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Illinois Collection

L A W S

OF THE

STATE OF ILLINOIS,
Laws, Statutes, etc.

PASSED BY THE

SIXTEENTH GENERAL ASSEMBLY,

AT

THE SECOND SESSION,

COMMENCING OCTOBER 22, 1849.

SPRINGFIELD:

CHARLES H. LANPHIER, PUBLIC PRINTER.

1849.

L19056

LAWS OF 1849.

AN ACT making appropriations to pay the expenses of the present session of the General Assembly. In force No. 5, 1849.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the following appropriations be, and the same are hereby, made to pay the expenses of the present session of the general assembly.

§ 2. To the speaker of the senate and house of representatives, each, the sum of three dollars per day for each day's attendance. To speakers.

§ 3. To each member of the senate and house of representatives, the sum of two dollars per day for each day's attendance. To members.

§ 4. There shall be allowed to each of the members of the general assembly, including the speakers of both houses, ten cents per mile for each necessary mile's travel, in going to and returning from the seat of government. Mileage.

§ 5. There shall be allowed to the secretary and assistant secretary of the senate, and to the clerk and assistant clerk of the house of representatives, each, the sum of four dollars per day. Secretaries and clerks.

§ 6. To the sergeant-at-arms and assistant sergeant-at-arms of the senate, and the doorkeeper and assistant doorkeeper of the house of representatives, each, the sum of four dollars per day. Sergeant-at-arms & door-keepers.

§ 7. To the engrossing and enrolling clerks of the senate and house of representatives, each, the sum of three dollars per day. Eng. clerks.

§ 8. To the assistant engrossing and enrolling clerks of the senate and house of representatives, each, the sum of three dollars per day, for the time actually employed, to be certified by the principal clerk. Assistant eng. clerks.

Copyists.

§ 9. To the copyists of the journals of the senate and house of representatives, each, the sum of three dollars per day, for the time actually employed.

Certificate.

§ 10. The speaker of the senate shall certify the amount due each member and officer of the senate, except the amount due himself, which shall be certified by the secretary; and the speaker of the house of representatives shall certify the amount due each member and officer of the house, except the amount due himself, which shall be certified by the clerk; which certificates shall be sufficient authority to the auditor of public accounts to issue his warrant for the amount certified; to be paid out of any moneys in the treasury not otherwise appropriated.

Auditor to issue warrant.

§ 11. The auditor of public accounts is hereby authorized and required to issue his warrant on the treasurer in favor of any person who has or may hereafter furnish for the use of this session of the general assembly, any fuel, stationery, printing paper, candles, or any other necessary thing; which shall be paid out of any moneys in the treasury not otherwise appropriated: *Provided*, that the several amounts due as above mentioned shall be certified by the secretary of state and approved by the governor.

Governor's secretary.

§ 12. That the sum of three dollars per day be allowed for the time actually employed for the hire of a clerk employed in the executive department during this special session, to be certified by the governor; and his certificate shall be sufficient evidence to the auditor, who shall issue his warrant on the treasurer for the same, and the said treasurer shall pay the same out of any moneys not otherwise appropriated.

Mileage to officers.

§ 13. To each of the officers of the general assembly, and private secretary of the governor, the mileage that is allowed to the members.

APPROVED Nov. 6, 1849.

In force Oct. 29, 1849.

AN ACT to pay Paul Anderson the amount due to him.

Auditor to draw warrant.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the sum of one hundred and thirty dollars is hereby appropriated, out of any money not otherwise appropriated, to Paul Anderson, in payment for translating the constitution of this state into Norwegian, and superintending the publication of the same. The auditor of public accounts is hereby directed to draw his warrant upon the treasurer for that sum, in favor of Paul Anderson.

APPROVED October 29, 1849.

AN ACT to adjust the claim of George Peabody against the state.

In force Oct.
29, 1849.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the governor of this state is hereby authorized and directed to adjust and pay the claim of George Peabody, of London, against the state of Illinois, for money advanced by him to Messrs. Ryan and Oakley, agents of the state, on or about the seventeenth of July, one thousand eight hundred and forty-four: *Provided,* that said George Peabody shall first return to the governor the canal bonds hypothecated by said agents to secure the repayment of said advance. Governor to adjust and pay claim.
Proviso.

§ 2. *Be it further enacted,* That the sum of five thousand five hundred dollars, or so much thereof as may be necessary, and the same is hereby appropriated to pay the said claim of George Peabody, of London, against the state of Illinois, out of any money not otherwise appropriated, and that the auditor draw his warrant in favor of the governor on the treasurer for the same, or so much as shall be required for that purpose. Appropriation made.

§ 3. This act to be in force from and after its passage.
APPROVED October 29, 1849.

AN ACT to enable the governor to carry out the provisions of a joint resolution in force Nov. of the last session of the general assembly, awarding swords to certain officers engaged in the war with Mexico. Nov. 6, 1849.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That, in order to enable the governor to carry out the provisions of a joint resolution of the last session of the general assembly, in awarding swords to certain officers from the state of Illinois, engaged in the war with Mexico, there is hereby appropriated, out of any money in the treasury not otherwise appropriated, a sufficient sum of money to pay for said swords. Governor to certify.

§ 2. The governor is hereby authorized to certify to the auditor the amount necessary to pay for said swords, and on the presentation of said certificate, the auditor of public accounts shall draw his warrants upon the treasury for such amount as may be set forth in the governor's certificate, in favor of the person or persons entitled to the same. Auditor to draw warrants.

§ 3. This act to be in force from and after its passage.
APPROVED Nov. 6, 1849.

In force Nov. 6,
1849.

AN ACT to pay John S. Roberts an amount due him.

Auditor to draw
warrant.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the auditor of public accounts be and he is hereby required to draw his warrant on the treasurer in favor of J. S. Roberts, for the sum of twenty-one dollars and twenty-five cents, with interest from February first, 1841, being the amount due him for postage on official letters of the board of public works: *Provided*, that on the settling of said account, the said J. S. Roberts shall deliver to the auditor his receipt in full for said principal and interest.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED Nov. 6, 1849.

In force
Jan. 3, 1850.

AN ACT to enable the auditor of public accounts to prosecute claims in favor of the state.

Duty of state's
attorneys.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be the duty of the state's attorneys, when required by the auditor of public accounts, to bring suits on accounts against collectors or other persons indebted to the state, and to prosecute said claims to a final settlement and collection of the amount due.

Duty of auditor.

Sheriff.

§ 2. Any person who may desire to settle and pay over the amount due, after suit has been commenced, and before execution has been issued, shall pay the same into the state treasury, and the auditor shall notify the clerk of the court where such suit was commenced of the fact, and he shall endorse the judgment "satisfied." The sheriff or other officer who shall collect any funds due on execution in favor of the state, shall pay the same into the state treasury within one month after he has received said funds.

Compensation.

§ 3. The state's attorney who shall prosecute any suit in favor of the state, under the provisions of the preceding sections of this act, shall receive as a compensation for his services, upon all sums not exceeding one thousand dollars, by him collected on executions, five per cent., and upon all sums exceeding one thousand dollars by him collected on execution, five per cent. for the first one thousand dollars, and two and one half per cent. upon so much thereof as exceeds one thousand dollars. Said commission to be in full for all services of said state's attorney in the suits in which such collections shall be made, and not to be allowed in any

cases where collections shall be made by the state's purchasing property; and in each case which is settled, after being commenced and prior to sale under execution thereon, by the payment into the state treasury of the amount due the state, the auditor is hereby authorized to draw his warrant upon the state treasury in favor of the state's attorney attending to said suit, for the sum of ten dollars.

§ 4. The prosecuting attorney for the circuit in which the supreme court for that grand division may be held, shall attend in that supreme court to all business therein in which the state or any county may be interested, and shall receive therefor one hundred dollars per annum out of the state treasury, in addition to his present salary, and the auditor is hereby required to issue his warrant on the treasurer for that amount in his favor.

To attend to business in the supreme court

APPROVED November 6, 1849.

AN ACT to authorize the auditor of public accounts and county courts to refund the taxes on real estate sold in error. In force Nov 7, 1849.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That sections ninety and one hundred and eleven of chapter eighty-nine of the Revised Statutes, be and the same are hereby repealed, and hereafter the county court shall cause to be refunded the county tax on any real estate that may be erroneously sold for taxes, and shall cause to be delivered to the purchaser, or his assignee, a certificate showing a description of the property sold in error, year's tax for which sold, the amount of the state tax sold for, and the cause of error; and upon the presentation of said certificate to the auditor of public accounts, he shall issue his warrant on the treasurer for the amount of state tax due as aforesaid: *Provided*, that said property was not taxable, or was double assessed, but if the property was properly assessed, the county and state shall not refund as above provided for, but the collector, who received the tax before sale, shall refund double the amount so received.

Secs. repealed.

Proviso.

§ 2. If any collector shall refuse or neglect to refund, as above required, upon proper demand being made by the claimant, he shall be liable to an action of debt in any court having jurisdiction of the amount. This act to take effect and be in force from and after its passage.

Penalty.

APPROVED November 7, 1849.

In force Nov.
6, 1849.

AN ACT to provide for the filling of vacancies in certain county offices.

Duty of clerk. **Governor to issue writ.** SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That whenever a vacancy shall happen in the office of sheriff, county surveyor, or coroner of any county of this state, by death, resignation, or removal of any incumbent, it shall be the duty of the clerk of the county court of such county immediately to notify the governor of that fact, and it shall be the duty of the governor to issue a writ of election to fill such vacancy, and direct the time of holding the same; which election shall be proceeded in as in other cases of election.

§ 2. This act to be in force from and after its passage.
APPROVED November 6, 1849.

In force Nov.
6, 1849.

AN ACT to confirm elections of county officers.

Elections confirmed. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all elections heretofore ordered by the governor to provide for filling vacancies in the office of sheriff and county officers, are hereby confirmed, and the elections of all such officers shall be valid.

§ 2. This act to take effect from and after its passage.
APPROVED November 6, 1849.

In force Nov. 3, 1849. AN ACT to establish the jurisdiction of the circuit courts of the state of Illinois.

Special terms. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That special terms of the circuit courts may be held in the respective circuits which shall have jurisdiction in all criminal cases hereafter arising within said circuits, on indictment as hereinafter specified.

Duty of governor. § 2. The governor of the state of Illinois, whenever he is satisfied that it is essential to preserve law and order, and put down rebellion or mobs, or combinations to prevent the execution of law, shall require, by notice in writing, the judge of the circuit court in which circuit such illegal and criminal offences may be committed, to call a special term of the circuit court, to be holden in such part of his circuit as to him may seem convenient and suitable, within thirty

days after such requisition and notice; and it shall be the duty of said judge immediately to fix upon a time and place of holding said special term, within the period aforesaid, and to issue a precept to each of the sheriffs of the several counties in his judicial circuit, (excepting such county or counties wherein such illegal and criminal offences may be alleged to have been committed,) to summon from each of said counties, not excepted as aforesaid, a fair proportion, to be fixed by said judge, of grand and petit jurors, for said special term of the circuit court of his circuit. The said judge shall also cause notices of the time and place of holding said special term to be put up in three of the public places in each of the counties of his circuit, one of which notices shall be placed on the outer door of the court-house in each of the counties in said circuit.

Duty of judge.

§ 3. The said jurors shall possess the same qualifications that are required for jurors now by law, except as to residence: *Provided*, that they shall be residents of said judicial circuit—and if at any time there be not in attendance upon such special term of the circuit court sufficient jurors, it shall be lawful to summon talesmen of said circuit.

Qualifications of jurors.

§ 4. The grand jurors of said special term shall be sworn and proceed in all respects, in procuring and hearing testimony in behalf of the people of the state of Illinois, and finding bills of indictments, as at the regular terms of the circuit court, except that they shall not have power to try cases coming up from any part of said circuit, except from the county or counties which are set forth in the notice of the governor as being in a state of riot or combination against the laws.

Juror's duties.

§ 5. The state's attorney of said judicial circuit shall be notified of the time and place of holding said special term, by said judge, and shall act as prosecutor for the people at said court, and the said court shall have power to appoint a prosecuting attorney *pro tem.*, or an assistant prosecuting attorney; which prosecutor *pro tem.*, or assistant prosecutor, shall be allowed for his services during said term, not exceeding two hundred dollars, to be certified by the judge and paid out of the treasury.

Duty of prosecuting attorney.

§ 6. The said judge, upon the receipt of the notice of the governor as aforesaid, shall appoint a marshal, who shall execute such bond, with such security as the said judge may require, to conform as near as may be to the official bond of sheriffs. The said marshal shall perform all the official duties arising out of, or connected with said special term of the circuit court within said circuit, which is required of sheriffs in their respective counties in criminal cases.

Compensation.

Marshal.

§ 7. The clerk of the circuit court in and for the county in which such special term may be holden, shall perform all the official duties of clerk arising out of or connected

Clerk.

with the holding of said special term, but the said clerk shall keep the record of the proceedings of said special term in a separate book or books from the proceedings of the regular term of the circuit court, and all copies from said record shall be certified to be copies of the record of the special term of the circuit court holden under the provisions of this act, by the clerk aforesaid, under his official seal as circuit clerk of the county in which special term is held.

Process, how
issued & served.

§ 8. The process of said special term shall be issued to the marshal, and may be executed by him and by all the sheriffs and constables of the state of Illinois; it shall be tested in the name of the clerk aforesaid, and under the seal of the circuit court in and for the county in which said special term is held.

Terms of court
postponed.

§ 9. In case the time fixed by said judge for holding said special term, shall interfere with the time of holding a regular term of the circuit court in the same circuit, it shall be the duty of the said judge to notify the clerk of the circuit court in and for the county in which such regular term was to have been holden, of the appointment of said special term, and said clerk shall cause notice to be posted up in every precinct of his county that the said regular term of said circuit court will not be holden, and the said regular term of said court shall stand adjourned till the next regular term thereof, and all cases and matters therein pending continued.

Judges of other
courts permitted to perform
duties.

§ 10. If the said judge of said circuit court shall, from any cause, be unable to attend the said special term, any other judge of the circuit court of this state may perform the duties with like power and jurisdiction; and the judge presiding at said special term shall have power to call to his assistance at said court any other circuit judge in said state.

Rules applicable.

§ 11. All rules, proceedings, and practice at said special term shall conform as near as may be to the rules, proceedings and practice of the regular terms of the circuit court in criminal causes, and the judgments shall be of the same form and effect, and all the provisions of the criminal code shall be complied with, so far as may be applicable to the said special term.

Posse may be
summoned.

§ 12. The said judge may, whenever he deems it necessary to execute process or enforce order, direct the marshal to summon such posse as said judge may think proper, to aid and protect the court in executing the laws, and giving persons charged with offences an impartial trial; which posse shall be allowed one dollar each per day for their services, to be certified by the judge and paid out of the state treasury.

Compensation.

Indictments.

§ 13. When any person or persons who may be indicted in any county at the regular term of the circuit court for

the said county, for any crime or misdemeanor, shall afterwards be indicted for the same offence at a special term of said circuit court, holden under the provisions of this act, the said indictment in said special term shall operate as a *nolle prosequi* upon the former indictment; but nothing in this act shall be construed as depriving the circuit court, at its regular term in the proper county, of concurrent jurisdiction with the said circuit court at a special term, held under this act, at any time said special term is not being holden.

§ 14. The said special term may be adjourned from day to day by the judge thereof, until all cases pending therein are disposed of. Adjournments.

§ 15. All costs, fines, penalties and forfeitures had or taken at any of said special terms shall enure to the benefit of the state of Illinois, and cognizances taken and forfeited in said court may be sued upon in the circuit court in any county where the cognizors or any of them reside. Costs, fines, &c.

§ 16. Where imprisonment is part of the punishment, the defendant may be imprisoned in any jail in said circuit, and the said marshal may confine any person in his custody in any of said jails for safe keeping. Punishment.

§ 17. Writs of error to the supreme court of this state shall be allowed from said special term, in all respects as from the regular terms of the circuit courts. Writs of error.

§ 18. The marshal shall be allowed for his services the same fees as are allowed sheriffs for similar services in civil cases, and the clerk shall have the same fees as are allowed clerks of the circuit court in civil cases. The grand and petit jurors and witnesses in behalf of the people shall be allowed one dollar each per day, and one dollar for every twenty miles necessary travel in going to and returning from said court; all of which fees shall be certified by said judge and paid out of the state treasury. Fees of marshal

§ 19. The auditor shall draw his warrant upon the treasury in favor of W. A. Denning, judge of the third judicial circuit, for the sum of four hundred dollars, for his extra services and expenses in holding the district court in Massac county under the proclamation of the governor. Auditor to draw warrant.

§ 20. This act shall be in force and take effect from and after its passage.

APPROVED Nov. 3, 1849.

In force Dec. 1, 1849. AN ACT to establish the tenth judicial circuit, and to fix the times of holding courts in the fifth, sixth, seventh, ninth, and eleventh judicial circuits, and for other purposes.

Tenth circuit.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the counties of Fulton, Peoria, Stark, Henry, Rock Island, Mercer, Knox, and Warren, shall compose a judicial circuit, to be called the tenth judicial circuit; and that the circuit courts shall be holden at the respective county seats of the said counties, at the times following, to wit:

Times of holding court.

In the county of Fulton on the second Monday of March; in the county of Peoria on the fourth Monday of March; in the county of Knox on the second Monday of April; in the county of Warren on the third Monday of April; in the county of Mercer on the fourth Monday of April; in the county of Rock Island on the first Monday of May; in the county of Henry on the second Monday of May; in the county of Stark on the third Monday of May. Also, in the county of Peoria on the fourth Monday of August; in the county of Fulton on the third Monday of September; in the county of Knox on the first Monday of October; in the county of Warren on the second Monday of October; in the county of Mercer on the third Monday of October; in the county of Rock Island on the fourth Monday of October; in the county of Henry on the first Monday of November; in the county of Stark on the second Monday of November; in the county of Peoria on the third Monday of November, in each and every year.

Election.

§ 2. There shall be an election holden in the respective counties composing the said judicial circuit, on the second Monday of January next, for the election of a circuit judge and state's attorney of said circuit; which election shall be conducted and returns thereof made and canvassed in the manner provided by the constitution and laws of this state. Said judge and state's attorney, when elected, commissioned and qualified shall hold their offices until the next general election of judge and state's attorneys, as provided by the constitution, and until their successors are elected and qualified.

Duty of secretary of state.

§ 3. It shall be the duty of the secretary of state to cause a certified copy of this act to be immediately transmitted to each of the clerks of the circuit and county courts of said counties; and the clerks of the county or county commissioners' courts or county courts of said counties, whichever may be in existence, shall issue notices for said election, to sheriffs thereof respectively, notifying the electors of said election; which notices shall be posted up by them in the several precincts, in the like manner as provided by the constitution and laws of this state for holding general elections therein.

§ 4. The said circuit judge and state's attorney, when elected, shall exercise all the powers, perform all the duties, and have all the jurisdiction and authority, now had or hereafter to be required of, or exercised by circuit judges and state's attorneys, in this state, under the constitution and laws thereof, and shall receive the same compensation and be liable to the same duties as other judges and state's attorneys are entitled to receive by the constitution and laws.

§ 5. The judges and state's attorneys now having jurisdiction and exercising authority within said circuit as above established, shall hold and exercise such jurisdiction and authority, until the judge and state's attorney, in this act provided for, shall have been elected, commissioned and qualified.

§ 6. *Be it further enacted*, That the counties of Pike, Brown, Adams, Schuyler, Hancock, McDonough, and Henderson, shall hereafter form and compose the fifth judicial circuit; the counties of Jo Daviess, Stephenson, Ogle, Lee, Whiteside, and Carroll shall hereafter form and compose the sixth judicial circuit; the counties of La Salle, Putnam, Marshall, Bureau, Kane, De Kalb, Kendall, and Livingston, shall form and compose the ninth judicial circuit, and the counties of Winnebago, Boone, McHenry, Du Page, Will, Grundy, and Iroquois, shall form and compose the eleventh judicial circuit.

Fifth circuit.

Sixth circuit.

Ninth circuit.

Eleventh circuit.

§ 7. The courts in the fifth judicial circuit shall be held in the counties thereof, at the following times, viz: In the county of Hancock on the second Monday of March and first Monday of September; in the county of Henderson on the fourth Monday of March and third Monday of September; in the county of McDonough on the first Monday of April and fourth Monday of September; in the county of Schuyler on the second Monday of April and first Monday of October; in the county of Brown on the third Monday of April and second Monday of October; in the county of Pike on the fourth Monday in April and third Monday of October; in the county of Adams on the second Monday of May and the first Monday in November, in each and every year.

Courts in fifth circuit.

§ 8. The courts in the sixth judicial circuit shall be held in the counties thereof, at the following times, viz: In the county of Jo Daviess on the second Monday in March, the third Monday in May, and the first Monday in October; in the county of Stephenson on the fourth Monday in March and fourth Monday in August; in the county of Ogle on the first Monday in April and first Monday in September; in the county of Lee on the second Monday of April and the second Monday of September; in the county

Sixth circuit.

of Whiteside on the third Monday in April and the third Monday of September; and in the county of Carroll on the fourth Monday of April and the fourth Monday of September, in each and every year.

Ninth circuit. § 9. The courts in the ninth judicial circuit shall be held in the counties thereof, at the following times, viz : In the county of Kane on the second Monday in March, the first Monday in September, and the third Monday in November; in the county of De Kalb on the fourth Monday of March and the third Monday of September; in the county of Bureau on the first Monday of April and on the fourth Monday of September; in the county of Putnam on the second Monday of April and on the first Monday of October; in the county of Marshall on the third Monday of April and on the second Monday of October; in the county of Livingston on the fourth Monday of April and on the third Monday of October; in the county of Kendall on the first Monday of May and on the fourth Monday of October, in each and every year.

Eleventh circuit. § 10. The courts in the eleventh judicial circuit shall be held in the counties thereof, at the following times, viz : In the county of Winnebago, on the third Monday of March and fourth Monday in August; in the county of Boone on the first Monday of April and on the second Monday of September; in the county of McHenry on the second Monday of April and on the third Monday of September; in the county of Du Page on the fourth Monday of April and on the first Monday of October; in the county of Iroquois on the second Monday of May and on the second Monday of October; in the county of Grundy on the third Monday of May and on the third Monday of October; in the county of Will on the fourth Monday of May and on the second Monday after the third Monday of October, in each and every year.

Cook county court.

§ 11. From and after the first Monday of January next, the circuit court in and for the county of Cook, shall be holden on the first Mondays in May and December in each year, and that there shall be added to the name and title of the Cook county court, created by an act of the legislature, approved on the 21st February, 1845, and referred to in the 21st section of the schedule of the constitution, the words "*of common pleas*," so that the title and name of said court shall henceforward be the "Cook county court of common pleas," and the regular terms of said last named court shall hereafter be held on the first Mondays of February and September in each year, instead of the times heretofore designated by law; and the said Cook county court of common pleas, and the said circuit court of Cook county, shall have equal and concurrent jurisdiction in all cases of misdemeanor, arising under the criminal laws of this state, and in all cases

of appeals from justices of the peace, arising or instituted within said county of Cook, any law in anywise to the contrary notwithstanding; and all appeals from justices of the peace within said county of Cook, shall be taken and carried to whichever of said courts the term of which shall be held next after any such appeal shall have been applied for and taken.

§ 12. All writs, subpoenas, and other process, which may have been or may be issued, and made returnable to the terms of courts in said circuits, as heretofore required to be holden, shall be deemed and taken to be returnable to said terms of the courts as required to be holden under this act; and all notices which may have been given, either by publication or otherwise, with reference to the terms as heretofore required to be holden, shall, by force of this act, refer to the terms of courts, as required to be held; and all proceedings pending in said courts shall be taken up and disposed of as if no alteration had been made in the times of holding said courts. Process returnable.

§ 13 This act shall take effect and be in force from and after the first day of December next.

APPROVED November 5, 1849.

AN ACT supplementary to an act entitled "An act to establish the tenth judicial circuit in force Nov. 5, 1849, and to fix the times of holding courts in the fifth, sixth, seventh, ninth, and eleventh judicial circuits, and for other purposes."

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the times of holding circuit courts in the counties of La Salle, Livingston, and Kendall, in the ninth judicial circuit, shall be as follows:

In the county of La Salle, on the fourth Monday in April La Salle. and third Monday in October;

In the county of Livingston, on the second Monday of May Livingston. and first Monday of November;

In the county of Kendall, on the third Monday of May Kendall. and second Monday of November, in each and every year.

§ 2. The circuit courts in the county of Lake shall here- Lake. after be holden at the following times, viz: On the second Monday in January, first Monday in June, and second Monday in October, in each year.

APPROVED November 6, 1849.

In force Nov. 6, 1849. AN ACT supplemental to an act entitled "An act to establish the tenth judicial circuit, and to fix the times of holding courts in the fifth, sixth, seventh, ninth, and eleventh judicial circuits, and for other purposes."

Times of holding courts. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the circuit courts of the fifth judicial circuit shall hereafter be held as follows: In the county of Schuyler, on the second Mondays in March and August; in the county of Brown, on the third Mondays of March and August; in the county of Pike, on the fourth Mondays in March and August; in the county of Henderson, on the second Mondays in April and September; in the county of Hancock, on the third Mondays of April and September; in the county of McDonough, on the first Mondays in May and October; in the county of Adams, on the second Mondays of May and October.

§ 2. This act to take effect from and after its passage; and the provisions of the act to which this is supplemental, so far as consistent with this act, are hereby declared to apply to this act.

APPROVED November 6, 1849.

In force Nov. 5, 1849.

AN ACT to fix the times of holding courts in Lake county.

Time of holding circuit court in Lake county. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the circuit court in and for the county of Lake, in the seventh judicial circuit, shall be held at the court-house at Waukegan, in said county, commencing at the times following, viz: On the second Monday of January, on the first Monday of June, and on the second Monday in October, in each year. This act to take effect and be in force from and after its passage.

APPROVED November 5, 1849.

In force Nov. 6, 1849. AN ACT to postpone the Hardin and Gallatin courts, in the third judicial circuit.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Hardin circuit court to be held on the first Monday of November, 1849, and the Gallatin circuit court to be held on the third Monday of November, 1849, under the act entitled "An act changing the times of holding courts in the

third judicial circuit," approved February 3d, 1849, be and the same are hereby postponed to the times following, to wit: The Hardin circuit court to be held on the first Monday of January, 1850, and the Gallatin circuit court on the Monday following, and to continue three weeks.

§ 2. All writs, subpoenas and other process which may have been, or may be issued and made returnable to the terms of said courts, under the act of 3d February, 1849, aforesaid, shall be deemed and taken to be returnable to the terms of said courts as required to be holden under the first section of this act; and all notices which may have been given, by publication or otherwise, as well as all depositions taken with reference to the terms of said courts, as heretofore required to be holden, shall, under and by virtue of this act, apply to the terms of said courts as required to be held under the first section of this act; and all causes, motions and other proceedings, pending or undetermined in said courts, shall be taken up and disposed of as if no alteration had been made in the times of holding said courts.

§ 3. All acts and parts of acts conflicting with the provisions of this act, are hereby repealed. This act to take effect from and after its passage.

APPROVED November 6, 1849.

AN ACT to amend an act entitled "An act establishing county courts, and providing for the election of justices of the peace and constables, and for other purposes," approved February 12th, 1849. In force Nov. 6, 1849.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the fourteenth section of the act to which this is an amendment, be so construed as to confer on the county judge all the power and jurisdiction, both civil and criminal, which the justices of the peace in this state possess, and that the said judge, while exercising such powers and jurisdiction, shall act in the capacity of justice of the peace, and not as county judge. And said county judge, while acting as justice of the peace, shall be entitled to the same fees as are now allowed by law to justices of the peace in this state, and shall, before entering on the duties of his office, give bond as is now required by law of other justices of the peace.

APPROVED November 3, 1849.

In force Nov.
5, 1949.

An ACT to provide for a general system of railroad incorporations.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That any* number of persons, not less than twenty-five, being subscribers to the stock of any contemplated railroad, may be formed into a corporation for the purpose of constructing, owning and maintaining such railroad, by complying with the following requirements: When stock to the amount of at least one thousand dollars for every mile of said road, so intended to be built, shall be in good faith subscribed, and ten per cent. paid thereon as herein required, then the said subscribers may elect directors for the said company; thereupon they shall severally subscribe articles of association, in which shall be set forth the name of the corporation; the number of years the same is to continue, which shall not exceed fifty years; the amount of the capital stock of the company, which shall be the actual cost of constructing the road, together with the cost for the right of way, motive power, and every other appurtenance for the completion and running of said road, as nearly as can be estimated by competent engineers; the number of shares of which said stock shall consist; the number of directors, and their names, to manage the concerns of the company, who shall not be one half in the number of the stockholders, and shall hold their offices until others are elected; the place from and to which the proposed road is to be constructed, and each county into or through which it is intended to pass, and its length, as near as may be, and the names of five commissioners to open books of subscription to the stock. Each subscriber to such article of association shall subscribe thereto his name, place of residence, and the number of shares of stock taken by him in such company. The said articles of association may, on complying with the next section, be filed in the office of secretary of state, and thereupon the persons who have subscribed, and all persons who shall, from time to time, become stockholders in such company, shall be a body corporate, by the name specified in such articles.

§ 2. Such articles of association shall not be filed in the office of the secretary of state until ten per cent. on the amount of the stock subscribed thereto shall have been actually and in good faith paid, in cash, to the directors named in such articles, nor until there is endorsed thereon, or annexed thereto, an affidavit, made by at least three of the directors named in such articles, that the amount of stock required by the first section has been subscribed, and that ten per cent. on the amount has actually been paid in.

§ 3. A copy of any articles of association filed in pursuance of this act, with a copy of the affidavit aforesaid in-

dorsed thereon, or annexed thereto, and certified to be a copy by the secretary of this state, or his deputy, shall, in all courts and places, be presumptive evidence of the incorporation of such company, and of the facts therein stated.

§ 4. When the certificate shall have been filed as aforesaid, the persons who shall have signed and acknowledged the same, and their successors, shall be a body politic and corporate, by the name stated in such certificate, and shall be capable of suing and being sued, and may have a common seal, and may make and alter the same at pleasure, and be capable in law of purchasing, holding, and conveying any real estate and personal property whatever, necessary for the construction of such road, and for the erection of all necessary buildings, yards, and appurtenances for the use of the same.

Certificate, its effect.

§ 5. The commissioners for opening books of subscription, named in the act of incorporation, shall, from time to time, after the company shall be incorporated, open books of subscription to the capital stock of the company, in such places, and after giving such notice as a majority of them shall direct; which books of subscription shall be kept open until all the capital stock shall be subscribed, if the corporation shall so long exist, and in case a greater amount of stock shall be subscribed than the whole capital of said company, the commissioners shall distribute such capital stock as equally as possible among the subscribers; but no share thereof shall be divided in making such distribution, nor shall a greater number of shares be allotted to any subscriber than such subscriber shall have subscribed for.

Books to be opened.

§ 6. As soon as practicable, after such capital stock shall have been subscribed and distributed as aforesaid, the commissioners to receive subscriptions thereto shall appoint a time and place for the meeting of the stockholders to choose directors; such meeting to be held in one of the counties in or through which such railroad is proposed to be constructed, and notice thereof shall be given by said commissioners, by public notice to be published not less than twenty days previous thereto, in the state paper, and a newspaper published in each county through which the said road shall be intended to run, in which a newspaper shall be published. Thirteen directors shall be chosen at such meeting, by ballot, and by a majority of the votes of the stockholders, being present in person or by proxy, and every such stockholder being so present at such election, or at any subsequent election of directors, shall be entitled to give one vote for every share of stock which he shall have owned for the thirty days next preceding such election; but no stockholder shall vote at any such election upon any stock, except such as he shall have owned for such thirty days.

Directors to be chosen.

Qualification of voters.

No person shall be a director unless he shall be a stockholder, owning stock absolutely and in his own right, and qualified to vote for directors at the election at which he shall be chosen; and at least seven of the directors shall, at the time of their election, be residents of the counties in or through which the route of such railroad shall run. The directors shall be directors for one year, and until others are elected in their places.

Duty of commissioners.

§ 7. The commissioners named in the last preceding section shall be inspectors of the first election of directors, shall openly count the votes and declare the result, and shall, within ten days thereafter, file a certificate thereof, subscribed by them or a majority of them, in the office of the secretary of state, and in the office of the clerk of each county, or with the clerk of the county commissioners' court, (as the case may be) of each county in or through which such railroad shall be proposed to be constructed, and shall also deliver to the treasurer of such company all moneys [received] by such commissioners on subscriptions to such capital stock, and all books and papers in their possession relative to such subscriptions. All subsequent elections shall be held at such time and place in one of these counties through which such railroad shall pass, as shall be directed by the by-laws of the company.

Meeting of stockholders.

§ 8. A general meeting of the stockholders of any corporation formed under this act shall be holden annually, at the time and place appointed for the election of directors, and a meeting may be called at any time during the interval between such annual meetings, by the directors or by the stockholders owning not less than one fourth of the stock, by giving thirty day's public notice of the time and place of the meeting, in the state paper, and a newspaper published in each county through which the said road shall be run or be intended to run, in which a newspaper shall be published; and when any such meeting is called by the stockholders, the particular object of such call shall be stated, and if at any such meeting thus called, a majority in value of the stockholders are not represented in person or by proxy, such meeting shall be adjourned from day to day, not exceeding three days, without transacting any business, and if, within said three days, stockholders having a majority of the stock do not attend such meeting, then the said meeting shall be dissolved.

Meetings may adjourn.

Duty of president and directors.

§ 9. At the regular annual meeting of the stockholders of any corporation, it shall be the duty of the president and directors in office for the preceding year to exhibit a clear and distinct statement of the affairs of the said company, and at any meeting of the stockholders a majority of those present in person or by proxy may require similar statement from the directors, whose duty it shall be to furnish them.

when thus required; and at all general meetings of the stockholders, a majority in value of the stockholders in said company may fix the rate of interest which shall be paid by the company, for loans for the construction of said road and its appendages, may remove any president or any director of said company and elect others in their stead: *Provided*, notice of such intended removal has been given, *Provido*, as required by the last preceding section.

§ 10. In case it shall happen at any time that an election of directors shall not be made on the day designated by the by-laws of the company, when it ought to have been made, the company for that reason shall not be dissolved, if within ninety days thereafter they shall hold an election for directors in such manner as shall be provided by the by-laws of the company. There shall be a president of the company, who shall be chosen by and from the directors, and also such subordinate officers as the company, by its by-laws, may designate, who may be elected or appointed, and required to give such security for the faithful performance of the duties of their office as the company, by its by-laws, may require. *Failure.* *President.*

§ 11. It shall be lawful for the directors to call in and demand from the stockholders, respectively, all sums of money by them subscribed, at such time and in such payments or instalments as the directors shall deem proper, under the penalty of forfeiting the shares of stock subscribed for, and all previous payments made thereon, if payments shall not be made by the stockholders within sixty days after personal demand, or notice requiring such payment shall have been made in each county through which said road shall be laid out in which a newspaper shall be published. *Forfeiture.*

§ 12. The directors of such company shall have power to make by-laws for the management and disposition of stock, property, and business affairs of such company, not inconsistent with the laws of this state, and prescribing the duties of officers, artificers, and servants that may be employed, for the appointment of all officers for carrying on all the business within the object and purposes of such company. *By-laws.*

§ 13. The stock of such company shall be deemed personal estate, and shall be transferable in the manner prescribed by the by-laws of the company, but no shares shall be transferable till all previous calls thereon shall have been fully paid in, or the said shares shall have been forfeited for the non-payment of calls thereon; and it shall not be lawful for such company to use any of their funds in the purchase of any stock in their own or in any other corporation. *Stock deemed personal estate.*

§ 14. All the stockholders of any such company that shall be hereafter incorporated under this act, shall be severally individually liable to the creditors of such company *Stockholders responsible.*

to an amount equal to the amount of stock held by them, respectively, for all debts and contracts made by such company, until the whole amount of capital stock fixed and limited by the company in manner aforesaid shall have been paid in, and a certificate thereof shall have been made and recorded, as prescribed in the following section; and shall be jointly and severally liable for all debts that may be due and owing to all their laborers, servants and apprentices, for services performed for such corporation, but not be liable to an action therefor before an execution shall be returned satisfied in whole or in part against the corporation, and then the amount due on said execution shall be the amount recoverable, with costs, against said stockholders.

Certificate to be made. § 15. The president and a majority of the directors, within thirty days after the payment of the last instalment of the capital stock, so fixed and limited by the company, shall make a certificate, stating the amount of the capital stock so fixed and paid in; which certificate shall be signed by the president and a majority of the directors, and sworn to by the president and secretary, and they shall, within the said thirty days, file and record the same in the office of the secretary of state.

Liability of directors. § 16. If the directors of any such company shall declare and pay any dividend when the company is insolvent, or any dividend the payment of which would render it insolvent, they shall be jointly and severally liable for all the debts of the company then existing, and for all that shall thereafter be contracted so long as they shall respectively remain in office: *Provided*, that if any of the directors shall be absent at the time of making the dividend, or shall object thereto, and shall, within thirty days thereafter, or after his return, if absent, file a certificate of their absence or objection with the clerk of the company, and with the clerk of the county, or with the clerk of the county commissioners' court of the county in which the principal office of said company is located, they shall be exempt from the said liability.

Officers liable. § 17. If any certificate or report made or public notice given by the officers of any such company, in pursuance of the provisions of this act, shall be false in any material representation, all the officers who shall have signed the same shall be jointly and severally liable for all the debts of the company contracted while they are stockholders or officers thereof.

Persons exempt. § 18. No person holding stock in any such company, as executor, administrator, guardian, or trustee, and no person holding such stock as collateral security, shall be personally subject to any liability as stockholders of such company; but the person pledging the stock shall be considered as holding the same, and shall be liable as a stockholder ac-

cordingly, and the estates and funds in the hands of such executor, administrator, guardian or trustee, shall be liable in like manner, and to the same extent as the testator or intestate, or the ward or persons interested in such trust fund would have been if he had been living and competent to act and held the same stock in his own name.

§ 19. Every such administrator, executor, guardian, or trustee shall represent the shares of stock in his hands at all meetings of the company, and may vote accordingly as a stockholder. Stock represented.

§ 20. Every such company, before proceeding to construct a part of their road through any county named in their certificate of association, shall make a map and profile of the route intended to be adopted by such company; which shall be certified by a majority of the directors and filed in the office of the county clerk of such county, or with the clerk of the county commissioners' court of such county, for the inspection and examination of all parties interested therein. Map & profile.

§ 21. Every such corporation shall possess the general powers, and be subject to the general liabilities and restrictions expressed in the special powers following, that is to say: General & special powers.

1. To cause such examination and surveys for the proposed railroad to be made as may be necessary to the selection of the most advantageous route for the railroad, and for such purpose, by their officers, agents, and servants, to enter upon lands or waters of any person, but subject to responsibility for all damages which they shall do thereto.

2. To receive, hold, and take such voluntary grants and donations of real estate and other property, as shall be made to it, to aid in the construction, maintenance, and accommodation of such railroad; but the real estate thus received by voluntary grants shall be held and used for the purposes of such grants only.

3. To purchase, and by voluntary grants and donations receive and take, and by its officers, engineers and surveyors and agents enter upon and take possession of and hold, and use all such lands and real estate and other property as may be necessary for the construction and maintenance of its railroad and stations, depots and other accommodations necessary to accomplish the object for which the corporation is created; but not until the compensation to be made therefor, as agreed upon by the parties, or ascertained as hereinafter prescribed, be paid to the owner or owners thereof, or deposited as hereinafter directed, unless the consent of such owner be given to enter into possession.

4. To lay out its road, not exceeding six rods wide, and to construct the same, and for the purposes of cuttings, embankments, and procuring stone and gravel, may take as

much more land within the limits of its charter, in the manner provided hereinafter, as may be necessary for the proper construction and security of the road.

5. To construct their road upon or across any stream of water, water course, road, highway, railroad, or canal, which the route of its road shall intersect; but the corporation shall restore the stream or water course, road or highway, thus intersected, to its former state, or in a sufficient manner not to have impaired its usefulness.

6. To cross, intersect, join, and unite its railroad with any other railroad before constructed, at any point on its route, and upon the grounds of such other railroad company, with the necessary turn-outs, sidings, and switches, and other conveniences, in furtherance of the objects of its connections; and every company whose railroad is or shall be hereafter intersected by any new railroad, shall unite with the owners of such new railroad in forming such intersections and connections, and grant the facilities aforesaid; and if the two corporations cannot agree upon the amount of compensation to be made therefor, or the points or manner of such crossings and connections, the same shall be ascertained and determined by commissioners to be appointed by the court, as is provided hereinafter in respect to the taking of lands.

7. To purchase lands or take them, may change the line of its road whenever a majority of the directors shall so determine, as is hereinafter provided, but no such change shall vary the original route of such road to exceed one mile laterally.

8. To take, transport, carry and convey persons and property on their railroad, by the force and power of steam, of animals, or any mechanical powers, or by any combinations of them, and receive tolls or compensation therefor.

9. To erect and maintain all necessary and convenient buildings, stations, depots and fixtures, and machinery for the accommodation and use of their passengers, freight and business, and obtain and hold the lands necessary therefor.

10. To regulate the time and manner in which passengers and property shall be transported, and the tolls and compensation to be paid therefor; but such compensation for any passenger and his ordinary baggage shall not exceed three cents a mile, unless by special act of the legislature, and shall be subject to alteration as hereinafter provided.

11. To borrow money, to be applied to the construction of their railroad and fixtures, and purchase of engines and cars, at such rates of interest as is hereinafter provided.

§ 22. Any number of persons, not less than thirteen, intending to organize a corporation under the provisions of

this act, and every company that may hereafter organize under this act, may present a petition to the legislature, stating the place from and to which they propose to construct their road, and its location and route, with reasonable certainty, or that they intend to run the said road on the most direct and eligible route between the points of terminus, and praying the legislature to determine whether the construction of the said proposed road will be of sufficient public use to justify the taking of private property for the construction of the same. And if the legislature shall determine and decide by law that such proposed road will be of sufficient public utility to justify the taking of private property for constructing and maintaining said road, under the provisions of this act, then such company, when organized, may enter upon, take possession of and use all such lands, real estate, as may be required for the construction and maintenance of their railroad, and the convenient accommodations appertaining to the same; making compensation, in the manner hereinafter provided, for all lands, real estate, thus taken possession of and used, except such as may be voluntarily given to or purchased at an agreed price by the said corporation. Whenever the said corporation shall not have acquired by gift or purchase any land, real estate, so required as aforesaid, or which may be affected by any operation connected by such construction and maintenance, the said corporation may present to the circuit court of the district where said lands or real estate shall lie, a petition, signed by its attorney or agent, describing with convenient accuracy and certainty, by map or otherwise, the lands or real estate so required to be taken or affected as aforesaid, setting forth the name and residence of each owner or other person interested therein as owner, lessee, incumbrancer, as far as known to such attorney or agent, or appearing of record, and praying the appointment of commissioners to ascertain the compensation to be made to such owners and persons interested, for the taking or injuriously affecting such land or real estate as aforesaid. The court shall have satisfactory evidence that notice of an intended application, and the time and place thereof, for the appointment of commissioners of appraisement between said corporation and the owners and persons interested in such lands and real estate, had been given at least ten days previously, to such owners personally, or to some person of suitable age, at their residence, or on the premises, or by the publication thereof in a newspaper printed in the county in which such lands or real estate may lie. Such publication to be allowed only in respect to owners who shall appear by affidavit to have no residence in the county, known to such agent or attorney, whereat such notice could be delivered as aforesaid. The court may adjourn the pro-

ceedings from time to time ; shall direct any future notice thereof to be given that may seem proper ; shall have proofs and allegations of all parties interested, touching the regularity of the proceedings ; and shall, by an entry in its minutes, appoint five competent and disinterested persons commissioners to ascertain such compensation as aforesaid, specifying in such entry a time and place for the first meeting of such commissioners. The said commissioners, before entering upon the duties of their office, shall take the oath required by the laws and constitution of this state, and any one of them may administer oaths to witnesses produced before them ; and may adjourn, and may hold meetings for that purpose. Whenever they shall meet to hear proofs and allegations, unless by appointment of the court or pursuant to adjournment, they shall cause reasonable previous notice of such meetings to be given to the said owners or parties interested, or their attorney, or agent, and may each of them issue subpoenas and compel witnesses to appear and testify ; they shall hear the proofs and allegations of the parties, and any three or more of them, after reviewing the premises, without fear or favor or partiality, ascertain and certify the compensation proper to be made to the said owners and parties interested, for the lands or real estate to be taken, as well as all damages accruing to the owner of the lands and real estate aforesaid, taken in consequence of the condemnation of the same, or injuriously affected as aforesaid, making such deduction or allowance for real benefit or advantages which such owners or parties interested may derive from the construction of said road, and may in their discretion assess a separate reasonable sum in favor of such owner and parties interested, or of any person appointed by the court to appear as attorney for them, for costs, expenses and reasonable counsel fees. They, or a majority of them, shall make, subscribe, and with the clerk of the county, or with the clerk of the county commissioners' court, in which such lands or real estate shall lie, a certificate of their said ascertainment and assessment, in which such lands or real estate shall be described by map or otherwise, with convenient accuracy and certainty. The court, upon such certificate and due proof that such compensation and separate sums, if any be certified, have been paid to the parties entitled to the same, or have been deposited to the credit of such parties in the state treasury, or other place for that purpose approved by the court, shall make and cause to be entered in its minutes a rule describing such lands or real estate, in manner aforesaid, such ascertainment of compensation, with the mode of making it, and such payment or deposit of the same compensation as aforesaid ; a certificate copy of which rule shall be recorded and indexed in the proper recorder's office, in like manner and with the

like effect as if it were a deed of conveyance from the said owners and parties interested to the said corporation. Upon the entry of such rule the said corporation shall become seized in fee of all the lands and real estate described in said rule, as required to be taken as aforesaid, during the continuance of the corporation, by this or any subsequent act, and may take possession of and hold and use the same for the purposes of said road, and shall thereupon be discharged from all claim for any damages by reason of any matter specified in said petition, certificate, or rule of said court. If at any time after an attempted or actual ascertainment of compensation under this or any other act, or any purchase by, or donation to said corporation, of any lands for the purposes aforesaid, it shall appear that the title acquired thereby to all or any part of such lands for the use of said road, or if said corporation shall fail or be deemed defective, the said corporation may proceed anew to perfect such title, by procuring an ascertainment of the compensation proper to be made to any person or persons whose title, claim or interest in, or lien upon such lands, and by making payment thereof in the manner hereinafter provided, as near as may be, and at any stage of such new proceedings, or of any proceedings under this act, the court may, by a rule in that behalf made, authorize the said corporation, if already in possession, and if not in possession to take possession of and use such premises during the pendency and until the final conclusion of such proceedings, and may stay all actions and proceedings against such corporation on account thereof: *Provided*, such corporation shall pay a sufficient sum into court, or give approved security to pay the compensation in that behalf, when ascertained; and in every case where possession shall be so authorized, it shall be lawful for the owners to conduct the proceedings to a conclusion, if the same shall be delayed by the company. The said commissioners shall be entitled to receive from said corporation a compensation not exceeding two dollars for each day actually employed by them in the discharge of their duties. Such compensation to be taxed and allowed by the court. If any commissioner so appointed shall die, be unable, or fail to serve, the court may appoint another in his place, on reasonable notice of the application, to be approved by the court. The proceedings hereby authorized may be had in the circuit court in a county where the lands lie, and all motions to the circuit court shall be made at a general or special term thereof in said county. The said commissioners shall file the said certificate in the county where the lands to be affected may lie, or in any adjacent county, and any clerk may transfer the same and the proceedings connected therewith to the clerk of the county in which the lands to be affected may lie, or

of any county adjacent thereto, whenever such commissioner or clerk shall be so required by said corporation, its agent or attorney. And the legislature hereby reserves [the right] to itself to indicate the routes and termini of said roads, and the same shall not be constructed or commenced without the expressed sanction of the legislature of this state, by a law to be passed hereafter.

Duty of court. § 23. In case any infant, idiot, or insane person, or any unknown owner or owners, not personally notified to appear, and who shall not appear after such notice, on the appointment of commissioners, shall be interested in any such lands, real estate, and property, the court shall appoint some proper person to appear before the said commissioners and act as attorney for and in behalf of such infant, idiot, insane person, unknown owner, or non-appearing owner, not personally served with notice.

Line may be altered. § 24. If at any time after the location of the track of said road, in whole or in part, and the filing of the map thereof, it shall appear to the directors of said company that the line in some parts thereof may be improved, it shall be lawful for the said directors, from time to time, to alter the line and cause a new map to be filed in the office where the map showing the first location is or shall be filed, and may thereupon proceed to take possession of the lands embraced in such new location that may be required for the construction and maintenance of said road on such new line, and the convenient accommodations appertaining to the same, either by agreement with the owner or owners, or by such proceedings, as near as may be, as are authorized under the preceding section of this act, and use the same in place of the line for which the new is substituted. Nothing in this act contained shall authorize the said company to make a location of their track within any city without the consent of the common council of said city.

Highways, how crossed.

§ 25. Whenever the track of said railroad shall cross a road or highway, such road or highway may be carried under or over the track, as may be found most expedient; and in cases where an embankment or cutting shall make a change in the line of such road or highway desirable, with a view to a more easy ascent or descent, the said company may take such additional lands for the construction of such road or highway, or such new line, as may be deemed requisite by said directors. Unless the lands so taken shall be purchased or voluntarily given for the purposes aforesaid, compensation therefor shall be ascertained in the manner in this act provided, as nearly as may be, and duly made by said corporation to the owners and persons interested in such lands, the same when so taken or compensation made to become part of such intersecting road or highway, in such

manner and by such tenure as the adjacent parts of the same highway may be held for highway purposes.

§ 26. If any such corporation shall, for its purpose afore-^{Lands may} said, require any land belonging to the people of this state, ^{granted.} or to any of the counties or towns, the general assembly of the state and the county or town officers, respectively, having charge of such lands, may grant such lands to such corporations for a compensation, which shall be agreed upon between them; and if they shall not agree upon a sale and price, the same may be taken by the corporation as is before provided in respect to other cases.

§ 27. Every conductor, baggage-master, engineer, ^{Officers to wear} brakeman, or other servant of any such railroad corporation, ^{badge.} employed in a passenger train, or at stations for passengers, shall wear upon his hat or cap a badge, which shall indicate his office, and the initial letters of the style of the corporation by which he is employed. No conductor or collector without such badge, shall demand or be entitled to receive from any passenger any fare, toll, or ticket, or exercise any of the powers of his office; and no other of said officers or servants, without such badge, shall have any authority to meddle or interfere with any passenger, his baggage, or property.

§ 28. Every such corporation shall make an annual re-^{Annual report} port to the secretary of this state, of the operations of the year ending on the first day of January; which report shall be verified by the oaths of the treasurer and the acting superintendent of operations, and filed in his office by the twentieth day of January, in each year, and shall state—

1st. The capital stock and the amount actually paid in;
2d. The amount expended for the purchase of lands for the construction of the road, for buildings, and for engines and for cars, respectively;

3d. The amount and nature of its indebtedness, and the amounts due the corporation;

4th. The amount received for the transportation of passengers, of property, of the mails, and from other sources;

5th. The amount of freight, specifying the quantity in tons, of the products of the forests, of animals, of vegetable food, other agricultural products, manufactures, merchandize, and other articles;

6th. The amount paid for repairs, engines, cars, buildings, and salaries;

7th. The number and amount of dividends, and when paid;

8th. The number of engine houses and shops, of engines and cars, and their character;

9th. The number of miles run by passenger, freight, and other trains, respectively;

10th. The number of men employed, and their occupation;

11th. The number of persons injured in life or limb, and the causes of such injury ;

12th. Whether any accidents have arisen from carelessness or negligence of any person in the employment of the corporation, and whether such person is retained in the service of the corporation.

Penalty. § 29. Any such corporation which shall neglect to make such report, shall be liable to a penalty of two hundred and fifty dollars, to be sued for in the name of the people of this state.

Property to be listed. § 30. The property belonging to any company organized under the provisions of this act, shall be listed by the resident secretary or other proper officer, with the auditor of state, which shall be subject to the same rate of taxation as other similar property of individuals, and the revenue arising therefrom shall be paid into the state treasury, until the entire extinction of the internal improvement debt of the state, after which the said property shall be subject to taxation, and the revenue arising therefrom paid as in the case of all other property in the state. The revenue derived under this section to be applied to the payment of the public debt of the state.

Lien. § 31. The state shall have a lien upon all railroads of said corporations, and their appurtenances and stock therein, for all penalties, taxes, and dues which may accrue to the state from said corporations ; which lien of the state shall take precedence of all demands, judgments, or decrees, against said corporations ; and the citizens of this state shall have a lien upon all personal property of said corporation to the amount of one hundred dollars, originally contracted within this state ; which, after said lien of the state, shall take precedence of all other debts, demands, judgments or decrees, liens or mortgages, against said corporation.

Tolls may be altered, &c. § 32. The legislature may, when any such railroad shall be opened for use, from time to time, alter or reduce the rates of toll, fare, freight, or other profits upon such road ; but the same shall not, without the consent of the corporation, be so reduced as to produce with said profits less than fifteen per cent. per annum on the capital actually paid in ; nor, unless on an examination of the amounts received and expended to be made by the secretary of state, he shall ascertain that the nett income divided by the company from all sources for the year then last past shall have exceeded an annual income of fifteen per cent. upon the capital of the corporation actually paid in.

To carry mails. § 33. Any such corporation shall, when applied to by the postmaster general, convey the mail of the United States on their road or roads, respectively ; and in case such corporation shall not agree as to rates of transportation thereof, and as to time, rate of speed, manner and condition of car-

rying the same, it shall be lawful for the governor of this state to appoint three commissioners, who, or a majority of them, after fifteen days' notice, in writing, of the time and place of meeting to the corporation, shall determine and fix the prices, times, and condition aforesaid, but such prices shall not be less for carrying said mails in the regular passenger trains than the amount which such corporation would receive as freight on a like weight of merchandize transported in their merchandize trains, and a fair compensation for the post-office car. And in case the postmaster general shall require the mail to be carried at other hours, and at a higher speed than the passenger trains be run at, the corporation shall furnish an extra train for the mail, and be allowed an extra compensation for the expenses and wear and tear thereof, and for the services to be fixed aforesaid.

§ 34. If any passenger shall refuse to pay his fare or toll, it shall be lawful for the conductor of the train and the servants of the corporation to put him out of the cars at any usual stopping place the conductor shall select.

Penalty on refusal to pay fare.

§ 35. Every such corporation shall start and run their cars for the transportation of passengers and property, at regular times to be fixed by public notice, and shall furnish sufficient accommodations for the transportation of all such passengers and property as shall, within a reasonable time previous thereto, offer or be offered for transportation at the place of starting, and the junctions of other railroads, and at sidings and stopping places established for receiving and discharging way passengers and freight, and shall take, transport, and discharge such passengers and property at, from, and to such places on the due payment of tolls, freight or fare, legally authorized therefor.

Regular times to be fixed.

§ 36. In case of the refusal by such corporation, or their agents, so take and transport any passengers or property, or to deliver the same or either of them at the regular or appointed time, such corporation shall pay to the party aggrieved all damages which shall be sustained thereby, with costs of suits.

Penalty of corporation.

§ 37. In forming a passenger train, baggage or freight or merchandize or lumber cars shall not be placed in rear of passenger cars, and if they or any of them shall be so placed and any accident shall happen to life or limb, the officer or agent who so directed or knowingly suffered such arrangement, and the conductor or engineer of the train, shall each and all be held guilty of intentionally causing the injury, and be punished accordingly.

Trains, how placed.

§ 38. A bell of at least thirty pounds weight, or a steam whistle, shall be placed on each locomotive engine, and shall be rung or whistled, at the distance of at least eighty rods from the place where the said road shall cross any other road or street, and be kept ringing or whistling until

Penalty for neglect.

Bell or whistle to be kept.

it shall have crossed said road or street, under a penalty of fifty dollars for every neglect, to be paid by the corporation owning the railroad, one half thereof to go to the informer, and the other half to the state, and also be liable for all damages which shall be sustained by any person by reason of such neglect.

Boards to be kept up.

§ 39. Every such corporation shall cause boards to be placed, well supported by posts or otherwise, and constantly maintained across each public road or street, where the same is crossed by the railroad on the same level. Said boards shall be elevated, so as not to obstruct the travel, and to be easily seen by travellers; and on each side of said boards shall be painted in capital letters, of at least the size of nine inches each, the words "*Railroad crossing—look out for the cars while the bell rings, or the whistle sounds.*" But this section shall not apply to streets in cities, or villages, unless the corporation be required to put up such boards, by the officers having charge of such streets.

Penalty for intoxication.

§ 40. If any person shall, while in charge of a locomotive engine running upon the railroad of any such corporation, or while acting as the conductor of any car or train of cars on any such railroad, be intoxicated, he shall be deemed guilty of a misdemeanor.

Penalty for injury to company.

§ 41. If any person shall wilfully do, or cause to be done, any act or acts whatever whereby any building, construction, or work of any such corporation, or any engines, machine or structures, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured, or destroyed, the person or persons offending shall be guilty of a misdemeanor, and shall forfeit and pay to the said corporation, treble the amount of damages sustained by means of such offence.

Penalties, how recovered.

§ 42. All penalties imposed by this act may be sued for by the district attorney, and in the name of the people of the state of Illinois; and if such penalty be for a sum not exceeding one hundred dollars, then each suit may be brought before a justice of the peace.

Map and profile.

§ 43. Every such corporation shall, within a reasonable time after the road shall be located, cause to be made—

1st. A map and profile thereof, and of the land taken or obtained for the use thereof, and file the same in the office of the secretary of state; and also like maps of the parts thereof located in different counties, and file same in the office for recording deeds in the county in which said parts of said road shall lie, there to remain as of record forever.

Certificate.

2d. A certificate, specifying the line upon which it is proposed to construct the railroad and the grades and curves.

To commence and complete road.

§ 44. If any such corporation shall not, within five years after its incorporation, begin the construction of it;

road and expend thereon ten per cent. on the amount of its capital, and finish the road and put it in full operation in ten years thereafter, its act of incorporation shall become void.

§ 45. All existing railroad corporations within this state shall respectively have and possess all the powers and privileges, and be subject to all the duties and liabilities and provisions contained in this act, so far as they shall be applicable to their present conditions, and not inconsistent with their several charters, and all railroad companies that are now constructing their roads may acquire title to lands necessary for that purpose under the provisions of this act.

§ 46. This act shall take effect and be in force from and after its passage.

APPROVED November 5, 1849.

AN ACT supplemental to an act entitled "An act to provide for a general system of railroad incorporations" In force Nov. 6, 1849.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That whenever the citizens of any city or county in this state are desirous that said city or county should subscribe for stock in any railroad company already organized or incorporated, or hereafter to be organized or incorporated under any law of this state, such city or county may, and are hereby, authorized to purchase or subscribe for shares of the capital stock in any such company, in any sum not exceeding one hundred thousand dollars for each of such cities or counties; and the stock so subscribed for or purchased, shall be under the control of the county court of the county or common council of the city making such subscription or purchase, in all respects as stock owned by individuals.

§ 2. That for the payment of said stock, the judges of the county court of the county, or the common council of the city making such subscription or purchase, are hereby authorized to borrow money at a rate not exceeding ten per cent. per annum, and to pledge the faith of the county or city for the annual payment of the interest, and the ultimate redemption of the principal, or if the said judges or common council should deem it most advisable, they are hereby authorized to pay for such subscription or purchase in bonds of the city or county, making such subscription to be drawn for that purchase, in sums not less than fifty dollars, bearing interest not exceeding ten per centum per annum: *Provided*, that no bond shall be paid out at a rate less than par value.

Bonds receiva-
b.c.

§ 3. The railroad companies already organized or incorporated, or hereafter to be organized or incorporated under the laws of this state, are hereby authorized to receive the bonds of any county or city becoming subscribers to the capital stock of such company, at par, and in lieu of cash, and to issue their bonds, bearing interest not exceeding ten per centum per annum for any moneys by them borrowed for the construction for their railroad and fixtures, or for the purchase of engines and cars, and for such purpose may dispose of any bonds by them received as aforesaid.

Vote to be taken.

§ 4. No subscription shall be made, or purchase or bond issued, by any county or city under the provisions of this act, whereby any debt shall be created by said judges of the county court of any county, or by the common council of any city, to pay any such subscription, unless a majority of the qualified voters of such county or city, (taking as a standard the number of votes thrown at the last general election previous to the vote had upon the question of subscription under this act for county officers,) shall vote for the same; and the judges of the county court of any county, or the common council of any city, desiring to take stock as aforesaid, shall give at least thirty days' notice, in the same manner as notices are given for election of state or county officers in said counties, requiring said electors of said counties or said cities to vote upon the day named in such notices, at their usual place of voting, for or against the subscription for said capital stock which they may propose to make, and said notices shall specify the company in which stock is proposed to be subscribed, the amount which it is proposed to take, and the time which the bonds proposed to be issued are to run, and the interest which said bonds are to bear; or in case it is proposed to borrow money to pay such subscription, then the notices shall state the terms upon which such loan is to be effected; and the opinion of the electors shall be expressed upon their ballots "for subscription," or "against subscription," and counted and returned by the judges and clerks of elections as in other cases; and if a majority of the voters of said county or city, assuming the standard aforesaid, shall be in favor of the same, such authorized subscription or purchase, or any part thereof, shall then be made by said judges or common council. In case any election had under this act is held upon a day of a general election, then the number of votes thrown at such general election for county officers shall be the standard of the number of qualified voters as aforesaid. No bonds shall be issued under the provisions of this act by any county or city, excepting for the amounts required to be paid at the time of subscription, and for the amounts of and at the time when assessments upon all the stockholders

Notice.

of said company shall be regularly assessed and made payable.

§ 5. This act shall take effect from and after its passage.

APPROVED November 6, 1849.

AN ACT to authorize the formation of navigation and manufacturing companies on the Little Wabash and Saline rivers, and other navigable streams susceptible of slack-water navigation. In force Jan. 5, 1850.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That any number of persons, not less than twenty-five, being the subscribers to the stock for the improvement of the navigation of the Little Wabash or Saline river, or any other navigable stream susceptible of slack-water navigation, the creation of water power on either of said streams, and the building and erecting mills and machinery of all kinds, on or near said streams, in the way deemed best for the public good, may be formed into corporations for the purpose aforesaid, upon the complying with the following requirements: When stock to the amount of ten thousand dollars for every dam and locks intended to be built for the improvement of such navigation, shall be subscribed in good faith, then the subscribers may elect directors for the said company, and thereupon the subscribers shall severally subscribe articles of association, in which shall be set forth, the name of the corporation; the number of years the same is to continue—which shall not exceed fifty years—the names of five commissioners to open books of subscription to the stock; the amount of the capital stock of said company; the number of dams, locks, tow-paths, and other devices for the improvement by slack-water navigation of such portion of either of said streams as may be selected by such company or companies; the number of directors, and their names, who are to manage the operations of the company, and hold their offices until their successors are elected; the place or places at which the improvements are to be constructed, and the signing by the subscriber his name, place of residence, and number of shares taken by him. Am't of stock. Articles of association.

§ 2. After the payment of ten per cent. on the amount of stock subscribed thereto shall have been made in cash, to the directors named therein, which shall be indorsed thereon by the directors, and verified by the affidavit of three of such directors, the articles of association shall be filed in the office of the secretary of state, and a certified copy thereof shall be presumptive evidence of the incorporation of such company under the provisions of this act. Articles to be filed.

Corporate pow-
ers.

§ 3. When the articles of association shall be filed as aforesaid, the persons who shall have signed and acknowledged the same, and their successors, shall be a body politic and corporate, by the name specified in such articles of association, and may make and use a common seal, make by-laws for the regulation of its officers and business, make contracts, sue and be sued, buy and sell, hold and convey such real and personal estate as may be necessary to carry out the purposes of the company.

May improve
streams.

§ 4. The said company or companies shall have power to improve as aforesaid the navigation of said streams, or either of them, or so much of either of them as selected by any association or company formed under this act, by the construction of dams, locks, tow-paths, and such other devices as it or they may deem necessary to make slack-water navigation upon the streams aforesaid, or upon either of them, or upon such parts as may be selected by such company or companies; and shall have power to erect mills, buildings, mechanical or manufacturing works, in connection with the use of the water power so created, in any way consistent with the improvement of the navigation of said streams.

§ 5. The capital stock of any association formed under this act, shall be divided into shares of fifty dollars each, the whole of which shall be the amount to be employed in the purposes aforesaid, not exceeding in any one company the sum of two hundred thousand dollars. The said capital stock shall be considered as personal property, and the same may be transferred in such way as the articles of association shall prescribe.

Books to be
opened.

§ 6. Books for the subscription of the capital stock of companies formed under this act, shall be opened by the companies at such times and places, upon notice given, as a majority of the directors prescribe from time to time. The one tenth of the capital stock subscribed shall be paid in cash, at the time of the subscription, and the residue at such times and in such instalments as the board of directors may prescribe; and unless such instalments are paid as called for in the manner aforesaid, the stock so subscribed shall be forfeited.

Meeting of di-
rectors.

§ 7. As soon as practicable after such capital stock shall [have] been subscribed as aforesaid, the commissioners appointed to take subscription shall appoint a time and place for the meeting of the stockholders to choose directors. Such meeting shall be held at or near the contemplated work, and notice thereof shall be publicly given in some public paper most convenient to such place, at least twenty days previous to such meeting. Seven directors shall be chosen at such meeting by the stockholders, or a majority thereof, being citizens of the United States and present in

person or by proxy, and every stockholder shall be entitled to one vote for every share owned by him. No person shall be a director unless he be a stockholder in his own right, and a citizen of this state. The directors shall be elected for one year, and until their successors are elected to fill their places. At such meeting the stockholders shall designate one of the board of directors as president of the company, and shall also elect such subordinate officers as may be required by the articles of association and by-laws of the company, who shall enter into security for the performance of their duties. President, &c.

§ 8. The directors shall call in and demand of the stockholders the sums of money subscribed, and the instalments imposed, under the penalty of forfeiting the same, upon sixty days demand and notice having been first made. Payments.

§ 9. The president and directors of any company formed under this act, shall have the exclusive management of the operations of such company, and shall have power to make by-laws and regulations of the company and the management of its business not inconsistent with the laws of this state, prescribing the duties of the officers, artificers, and servants employed, for the appointment of subordinate officers, and for carrying on all the business within the objects and purposes of the company. Management.

§ 10. All stockholders shall be severally and individually liable to the creditors of such company to an amount equal to the amount of stock respectively held by them, for all debts and contracts made by such company. Liabilities.

§ 11. Any company formed under the provisions of this act shall have power to enter on such part of either of said rivers as may be embraced in the articles of association, and on the land on either side, to hold and use the same so far as is necessary for the purposes of such company, for the objects aforesaid, and to use the timber, rocks, gravel, earth, and other material which may be found thereon, in the construction of their works: *Provided*, that the said company shall pay to the owners of said lands occupied by them as aforesaid, or the proprietors of the water power on either of said streams, from which material may be drawn as aforesaid, the value of the land so occupied, the privileges so enjoyed, the materials so taken, or the damage so done: *And provided, further*, that such value or damage shall be ascertained or assessed, or compensation made, in the manner following: either party may file a petition, setting forth the facts in the circuit court of the county having jurisdiction of the place or property; or in cases where two counties may have jurisdiction, then in either of them, and praying the appointment of commissioners as hereinafter mentioned. A copy of such petition shall be served at least ten days previous to the term of the court to which Privileges.
Provide.
Further prov -
60.

application is made upon the opposite party, who may file a counter statement, and thereupon the court shall appoint five disinterested freeholders, who shall be sworn as arbitrators are sworn, and whose duty it shall be to examine the premises, hear testimony, under oath, and assess the value or damages; any three of said freeholders shall be competent to act in the premises. Reasonable notice of the time and place of ten days shall be given, to all the freeholders, and to the opposite party by the applicants. In assessing the value of any land taken or damages incurred, the freeholders shall estimate its full value for ordinary uses, without regard to the increased value which might accrue from the works or improvements contemplated by the company, and in all their assessments, except for timber, the said freeholders shall take into consideration, by way of mitigation, the advantages which would result to the owners by the contemplated improvements of the company. The said freeholders shall report their award in writing, under their hands, to the said circuit court, at its term following such assessment, and the same shall have the force of a verdict. On good cause shown a new trial may be awarded by the court, and if granted, such trial shall be had as on appeals from a justice of the peace, and tried in said court; and on such award, or on such new trial, judgment shall be entered and execution shall be issued and executed as in other cases, and said company shall pay the costs incurred by said proceedings.

Privilege of
water 10 vcr.

§ 12. Any company formed under the provisions of this act, shall have the privileges and be entitled to use of the water power from the said rivers, and shall in fee lease or rent for one or more years the said water power, on such terms as shall be most advantageous to the corporation: *Provided*, the use of the water power shall not impede the navigation of said river, and that the money arising from said water power shall be applied to the benefit of the company.

Provi. o.

May purchase
land.

§ 13. If at any lock, dam, or other point, there shall be surplus water power, applicable to hydraulic purposes, and when the interest of the company and public convenience shall require the application of such water power to machinery, it shall be the duty of the company to propose to purchase from the owner or owners such parcels of the adjoining lands as may be necessary for the use of such water power, and to submit the determination of the quantity of land necessary, and the price to be paid therefor, to arbitration, according to the law respecting arbitrations in force at the time. In case the owners shall refuse to appoint arbitrators, the company formed as aforesaid may, by petition, apply to any court or justice of the peace of the proper county, who may appoint arbitrators; said arbitrators shall

estimate the full value of the said land for ordinary uses, independent of any additional value given to it by the works of the company, or by reason of its convenience to the use of such water power, and also without affecting any benefit which the owner may have acquired to other property by reason of the said works. In case either party shall refuse compliance with the award of the arbitrators, rendered according to law, the same proceedings shall be had in the circuit courts of the county, where the said land or part thereof is situated, as in other cases of awards, and on the rendition of final judgment or decree in such case, the said court shall enforce the payment of the price of the land, by the company to the owner, and the conveyance of the land free from all incumbrance by the owner to the company, as on bill in chancery according to the practice of the court.

§ 14. Any company formed under the provisions of this Tolls. act, shall have power to fix and regulate, from time to time, uniform and reasonable rates of toll and water rents.

§ 15. If any person or persons shall wilfully or negligently do, or cause to be done, any damage to any improvements, buildings, or structures, appertaining to works of such company or companies, such person or persons shall be liable to pay to said company or companies, three times the amount of such damage done, which may be sued for and recovered in the name of such company or companies, in an action of debt, before any court having jurisdiction of the case, and such person or persons shall also be liable to indictment and punishment, in the same manner as is now provided by law in cases of malicious mischief. Penalty for damages.

§ 16. Companies to be formed under this act shall make Limitation. no charge for the navigation of any of said streams, except for passing through the locks which may be constructed, but money expended in removing snags and other impediments may be included in the estimates of the expense of such locks and dams.

§ 17. Whenever the nett receipts of any such company Surplus profits. shall exceed fifteen per cent. on the whole capital invested, the surplus shall be paid into the county treasury of the county in which such works may be located, and the board of directors shall, at their first meeting thereafter, reduce the rates of toll, so that the nett receipts shall not exceed fifteen per cent.

§ 18. In no case shall any steam or flat boat be subject Not subject to toll. to pay toll under this act for passing over any such dam, when the depth of water will enable them to make such passage without using the locks. Boats navigating the Saline river, shall in no case be required to pay any fees or tolls for passing through any lock or locks, or dams erected across said river, any thing in this act to the contrary notwithstanding.

§ 19. This act shall not apply to any stream or a part of any stream now usually navigated at any season by steam-boats, nor shall it effect any act of incorporation heretofore granted.

APPROVED November 6, 1849.

In force Dec.
28, 1849.

AN ACT to incorporate the Illinois General Hospital of the Lake.

INCORPORATION. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That, for the promotion of the cause of benevolence and the relief of the sick, by uniting the efforts of those disposed to contribute to said object, Hon. Mark Skinner, Hon. Hugh T. Dickey, and Dr. John Evans, with others when appointed or elected as hereinafter provided for, and until such election, be and they are hereby created a body politic and corporate, to be styled and known as "The Trustees of the Illinois General Hospital of the Lake," and by that style and name to have perpetual succession.

OBJECT OF INCORPORATION. § 2. The object of this incorporation shall be the relief of the sick, by affording them hospital care and treatment, and contemplates provisions for medical, surgical, insane, and lying-in departments, to be established or opened as may be deemed advisable or expedient by the board of trustees, in or near the city of Chicago, in Cook county; which shall be for the reception and treatment of all forms of non-contagious curable diseases and lying-in patients; and the corporate powers hereby bestowed shall be such only as are essential or useful in the attainment of said object.

BOOKS TO BE OPENED. § 3. The trustees shall proceed to open books for and receive subscriptions, or donations, benefits, bequests, &c., in money, personal property or real estate, and hold, apply, or dispose of the same for the sole use of said hospital, in such way and manner as they may deem proper, and as shall be most beneficial to the institution; and as soon as contributions to the amount of five thousand dollars shall have been received by them for said object, they shall call together, by written notice, at a specified time and place, a meeting of all those who may have contributed to the amount of twenty dollars or more; who shall elect three persons to be members of the board of trustees, in addition to those herein named. The members of the board shall then proceed to determine by lot the term of service of each member; two of whom shall serve for three years, two for two years, and two for one year, from the date of said election, and until successors are elected. Until said election the board shall have power to fill any vacancy that may occur in it.

ELECTION OF TRUSTEES.

§ 4. There shall be annual meetings of the contributors ^{Meetings.} to the hospital, from the date of the above election, who shall fill all vacancies in the board at each meeting, which shall be called by public notice, and those who attend shall have power to act in said election; each contribution of twenty dollars entitling the contributor to one vote in said election.

§ 5. Said trustees shall have power, in their corporate ^{Corporate pow-} capacity and name, to hold property, for the use of the in- ^{ers.} stitution, to buy, sell, and convey the same, sue and be sued, plead and be impleaded, and do all other acts that natural persons may of right do.

§ 6. The trustees shall adopt a code of laws for the go- ^{By-laws.} vernment of the institution: *Provided*, there is nothing in ^{Proviso.} them that will conflict with the provisions of this charter, with the constitution and laws of the United States, nor of the state of Illinois.

§ 7. They shall have power to create and fill all offices ^{Create offices.} deemed necessary in the institution: *Provided*, that no of- ^{Proviso.} ficer shall receive any compensation for his services except he devote his time principally to the service of the institution.

§ 8. No officer of the institution shall be engaged, either ^{Prohibition.} directly or indirectly, in furnishing any building materials, furniture, lands, fixtures or tenements to the hospital, except it be his free gift or contribution..

§ 9. The city council of the city of Chicago, and the ^{City and county} county commissioners of the several counties of this state ^{privileges.} shall each be authorized to send to the hospital their sick poor, and to contribute as they may deem expedient to the hospital: *Provided*, patients sent by them shall be received ^{Proviso.} and treated at the lowest possible expense consistent with the care they require.

§ 10. The trustees shall, as soon as the institution is ^{Trustees to fix} opened for the reception of patients, make rules and regu- ^{terms, &c.} lations in reference to the admission of patients, fix the terms and publish the same: *Provided*, patients supported ^{Proviso.} by any benevolent institution or association shall be at the least possible expense consistent with the care given them.

§ 11. The wards of the hospital shall forever be open, ^{Wards to be} under proper restrictions and regulations, to be adopted by ^{open.} the trustees, for the admission of persons studying the nature of diseases and their treatment.

§ 12. The property of this institution shall be exempt ^{Exemption.} from taxation.

APPROVED Oct. 29, 1849.

In force Nov.
5, 1849.

AN ACT for the incorporation of the Chicago Orphan Asylum.

Incorporation. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all such persons as are now members of the association denominated "The Chicago Orphan Asylum," and their associates, be and they are hereby constituted a body corporate and politic, by the name and style of "The Chicago Orphan Asylum," and by that name shall have perpetual succession, and shall have power to contract and be contracted with, to sue and be sued, to plead and be impleaded, and to do and perform all such acts and things as are or may become necessary for the furtherance and advancement of the purposes of said incorporation, as fully and completely as a natural person might or could do.

Object. § 2. The object and purpose of said corporation shall be the protecting, relieving, educating of, and providing means of support and maintenance for the orphan and destitute children in the city of Chicago.

Qualification of members. § 3. Any person may become a member of said corporation by paying to the treasurer thereof, the sum of twenty-five dollars (\$25;) which may include as part thereof any sum which has heretofore been paid by such person to the aforesaid association: *Provided*, that said corporation may by its by-laws provide for the admission of annual members, on such terms and with such privileges as they may deem proper.

Officers. § 4. The officers of said corporation shall be a president, a vice president, a treasurer, a secretary, and eleven trustees, who shall be elected from the members of the said corporation by ballot, at the annual meeting of the members, and shall hold their office for one year and until others be elected in their stead; and in case of any vacancy or vacancies in either of the said offices, by death, resignation, or otherwise, the board of trustees shall have power to fill such vacancy or vacancies until the next annual meeting. The president and secretary of the said corporation shall, *ex officio*, be president and secretary of the board of trustees, and be associated with the said board in all matters of business pertaining to the said corporation.

Powers of trustees. § 5. The estate and concerns of the said corporation shall be managed by a board, consisting of the president, secretary, and trustees, a majority of whom shall form a quorum for the transaction of business, who shall have power, in pursuance of the by-laws of the said corporation, to appoint and at pleasure remove such subordinate officers and agents, superintendents, teachers, and servants, as the business of the corporation shall require, and not to allow them a suitable compensation.

§ 6. In case of death or legal incapacity of a father, or his abandoning or neglecting to provide for his family, the mother shall be deemed the legal guardian of her children, for the purpose of making a surrender of them to the charge and custody of the trustees of the said corporation; and in all cases where it is not known that there is within the state any person legally authorized to act in the premises, the mayor of the city of Chicago shall, *ex officio*, be the legal guardian for the like purpose, and such guardianship shall extend as well to children already in the care of the aforesaid association, as to those who may hereafter be offered for admission or received into the said asylum; and, in either case, whether such surrender may be made by the mother, or by the mayor of the said city, or whether before or after admission in the said asylum, it shall be deemed a legal surrender for the purposes and within the true intent and meaning of this act.

Guardians of
orphans.

§ 7. When a child shall be surrendered to the charge and direction of the trustees of said corporation, by an instrument in writing, signed by the parent or guardian of such child, or by the mayor of said city of Chicago, in manner and form as may be prescribed in and by the by-laws of the said corporation, the trustees may, in their discretion, bind out such child to some suitable employment, in the same manner as poor and indigent children may now be bound out according to the laws of this state; but proper provisions shall in every case be made and inserted in the indentures by which such child shall be bound to service, for securing an education proper and fitting for the condition and circumstances in life of such child.

Orphans may be
bound.

§ 8. The said corporation may receive, take and hold, as well by gift, purchase, devise or bequest, or otherwise, any real or personal estate, for the uses and purposes herein contemplated, whether the same be purchased by, or given, devised, bequeathed, or conveyed directly to such corporation, or to its officers or trustees, or otherwise, for the use of the said corporation; and all the money and property heretofore donated to the aforesaid association is hereby vested in said corporation.

May acquire
property.

§ 9. The said corporation shall have power to make by-laws, rules and regulations, for the admission of its members and their government, the election of its officers, and the appointment of agents, superintendents, teachers and servants, and for regulating their duties and government, for the expelling of its members, and for the safe keeping and protection of its property and funds.

May make by-
laws.

§ 10. The annual election for officers of the said corporation, shall be held on the second Thursday in December in each year, or on such other day as the said corporation in and by its by-laws may appoint; and the next annual elec-

Time of elec-
tion.

Proviso.

tion for officers of the said corporation shall be held on the second Thursday of December next after the passage of this act: *Provided*, that the officers of the aforesaid association shall be the officers of said corporation until an election shall have been held under this act.

§ 11. This act shall take effect immediately, and the legislature may at any time alter, amend or repeal the same.

APPROVED Nov. 5, 1849.

In force Nov. 3, 1849. AN ACT to amend an act entitled "An act to incorporate the town of Canton, and in aid of the revenue laws," approved February 8, 1849.

Part of act repealed.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That so much of section eighty of an act entitled "An act to incorporate the town of Canton," approved February 8th, 1849, as exempts the inhabitants of said town corporate of Canton from the payment of any county tax, other than road tax, on any property, real or personal, within one mile from the centre of said town, be and the same is hereby repealed.

§ 2. The collector of the county of Fulton shall, and hereby is required to collect all and any county tax, other than road tax, levied and assessed by the proper authorities of the county, under the general revenue laws of the state, now in force and approved February 8th, 1849, for the year A. D. 1849, on all property, either real or personal, lying and being within one mile of the centre of said town corporate of Canton, the same as if said town had not been incorporated.

§ 3. This act to take effect and be in force from and after its passage.

APPROVED Nov. 3, 1849.

In force Nov. 5, 1849.

AN ACT to amend the several laws concerning limitation of actions.

Limitations of 16 years.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That all actions founded upon any promissory note, simple contract in writing, bond, judgment, or other evidence of indebtedness in writing, made, caused or entered into after the passage of this act, shall be commenced within sixteen years after the cause of action accrued, and not thereafter.

§ 2. All actions founded upon accounts, bills of exchange, orders, or upon promises not in writing, express or implied, made after the passage of this act, shall be commenced within five years next after the cause of action shall have accrued, and not thereafter. Of five years.

§ 3. *Be it further enacted*, That this act and the several acts to which this is an amendment, shall be subject to the several provisions, conditions and restrictions contained in the twelfth and thirteenth sections of the sixty-sixth chapter of the Revised Statutes of this state.

§ 4. So much of the sixty-sixth chapter of the said Revised Statutes, entitled "Limitations," as is in conflict with this act, is hereby repealed; and so much of the said act amendatory thereof, passed February tenth, one thousand eight hundred and forty-nine, as is inconsistent with this act is hereby repealed: *Provided, always*, that the several acts aforesaid shall be hereafter, in all actions instituted upon causes of action arising during the period in which said laws were respectively in force, be the rule of limitations and adjudication in all such cases, and that neither this act nor said amendatory act shall be so construed as to limit or affect the right of action upon any matter of indebtedness or cause of action existing or accruing before their several enactment. Act repealed. ,
Proviso.

§ 5. No action of debt shall be maintained on any open account or any promise, not in writing, unless the same be brought within five years next after the cause of action accrued; but if said cause of action has accrued five years before the passage of this act, then such action shall not be maintained, unless the suit is brought within two years next after the passage of this act. Action to be brought in two years.

§ 6. This act to take effect from and after its passage.

APPROVED Nov. 5, 1849.

AN ACT to amend the several acts concerning the public revenue.

In force Nov. 6, 1849.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That hereafter the clerk of the county court shall, on or before the first day of March in each year, cause to be delivered to the assessor of his county, in a well bound book, a correct transcript of all the real estate subject to taxation, made out in numerical order, together with the names of the original purchasers, or present owners; and shall, at the same time, deliver to said assessor a blank book or books, ruled and headed suitable for his use in making the assessment. *Said books to be in the form now required by law.* Duty of clerk.

Duty of assess-
or. § 2. The assessor shall assess the property as now re-
quired by law, and make return thereof on or before the first
day of October thereafter.

Clerk to deliver
tax books. § 3. The clerk shall deliver the tax books to the collector
on the first Monday in December, or so soon thereafter as he
may be qualified: *Provided*, that this section shall not ef-
fect the revenue of the year 1849.

Collector to file
bond. § 4. At the December term of the county court, in each
year, and before receiving the tax books, the collector shall
file a good and sufficient bond, as is now provided for by
law, to be approved by said court, which shall be recorded
and forwarded to the auditor of public accounts, together
with a certificate of the facts, within three days after the
adjournment of said court: *Provided*, that this section
shall not apply to bonds for the collection of the taxes of
1849.

Proviso.
Notices to be
posted up. § 5. The notice of the time of attending at the precincts
for the purpose of receiving the taxes, required by law,
shall be advertised and posted up, at least two weeks prior
to the time specified for meeting in the precincts. So much
of the law as requires three weeks' notice is hereby re-
pealed.

Change of time. § 6. The collector, by himself or agent, shall attend at
his office, during the month of February, for the purpose
of receiving the taxes, instead of the month of January, as
now required by law, and said collector shall not distrain
or sell personal property for taxes before the first day of
March, and not until he has attended the precincts for the
purpose of receiving said taxes.

Delinquent list,
how published. § 7. The advertisement of the list of delinquent lands
and town lots, required by law to be published before the
rendition of judgment and sale of real estate for taxes,
shall be so published on or before the seventh day of May,
and the sale shall be made on the second Monday in June
annually: *Provided*, that said sale may be continued from
day to day, until all the property is sold. So much of the
5th section of an act entitled "An act to amend the several
acts concerning the public revenue," approved February
8, 1849, as requires the advertisement mentioned in said
section to be published four weeks previous to the June
term of the county court, and the sale to be made on the
third Monday next succeeding the term of the court, is here-
by repealed.

Collector to set-
tle. § 8. The collector shall present to the court, at the
June term thereof, his list of abatements, and shall make a
final settlement with the county at said term, except for
the amount of taxes due on the delinquent real estate, which
he shall account for and pay over to the treasurer within
five days after the sale.

§ 9. The clerk shall make out a correct transcript of the sales, in form as required by law, and a certified statement, showing the value of the property, and the amount of state and county tax abated by the court, and within five days after the sale shall deliver the same to the collector, securely enveloped, sealed and directed to the auditor; and it shall be the duty of the collector to deliver said sale list and certificate to the auditor, and make a final settlement, and pay into the state treasury the full amount due from him to the state, on or before the first day of July.

Transcript to be made and delivered.

§ 10. Upon the final settlement of any account, the auditor shall give the collector a certificate, under seal of his office, setting forth that said collector has settled and paid into the state treasury the full amount due from him on said account; and it shall be the duty of the collector to file said certificate in the office of the clerk of the county court, on or before the first day of August next, after receiving the tax books. If any collector shall neglect or refuse to file said certificate, as above required, the clerk shall leave a written notice at the office of said collector, requiring him to appear before the county court at the September term thereof, and show cause why he has not filed the certificate aforesaid; and if the collector shall not show that he has paid over the full amount due from him, and made a final settlement with the state and county, or that he has a just and reasonable excuse for failing to do so, his office of sheriff shall be declared vacant.

Duty of auditor.

Duty of collector.

§ 11. In case of the death of any collector during the time that the tax books are in his hands, and before the time specified in this act for selling the delinquent real estate, the clerk of the county court shall demand and take charge of the tax books, and thereupon shall forthwith notify the judge of said court of the fact, and said judge shall appoint one or more competent persons to examine said tax books, and it shall be the duty of the person or persons so appointed to ascertain the amount remaining uncollected, and make out a correct abstract of the same: *Provided*, that should there be but a small portion of the taxes collected at the time of the death of the collector, then the amount actually collected shall be ascertained, and the same books used in completing the collections.

Duty of clerk.

Duty of judge.

Proviso.

§ 12. In case of a vacancy, as mentioned in the foregoing section, the county court may appoint a suitable person to complete the collections, who shall execute a bond, collect and pay over the taxes in the same manner, and his acts shall be as binding and effectual, as the collector's would have been had he completed the collections, and the court may, if the circumstances of the case require it, allow the said collector further time to complete the collections and make settlement; which shall not be for a longer time than

Vacancy, how filled.

three months over and above the time allowed to collector by this act. And the collector so appointed may obtain judgment at the September term of the county court, and sell delinquent lands and lots in like manner as collectors are authorized to do at the June term: *Provided*, that if the collector had attended in the precincts for the purpose of collecting the taxes, or had advertised the delinquent land list before his death, it shall not be necessary for his successor, or the person appointed, to complete the collections, to attend in said precincts, or re-advertise; but he shall proceed to finish the collections in the same manner as the collector would have been authorized to do if he had lived: *Provided, further*, that if the circumstances of the case will permit of the necessary delay, or the court shall be unable to find a suitable person willing to complete the collections aforesaid, the sheriff elected to fill the vacancy shall complete the collections and make settlement as specified in this section.

Proviso.

Further proviso.
so.

Proceedings in
case of failure.

§ 13. If any collector shall be unable to obtain judgment on the delinquent land list at the June term of the county court, from any cause whatever, he may obtain judgment at any subsequent term of said court, by giving notice of the intended application and sale; which notice shall contain all the facts required by law, and shall be once published, at least four weeks previous to the first day of the term at which the judgment will be prayed, and the sale shall be on the Monday next following the first day of said term: *Provided*, that the statute allowing the redemption from tax sale of the lands of infants, *feme coverts* and lunatics, shall be so construed as to authorize such redemption by their guardians or legal representatives, from and after the day of sale to the time now limited by the statutes for such redemption.

Proviso.

Penalty of collector.

§ 14. If any collector shall, by his own neglect, fail to obtain judgment at the June term of the court, or shall fail to present his list of delinquencies on personal property, or of errors in assessment at said term, he shall lose the benefit thereof, and shall pay to the state and county the full amount charged against him, after deducting his fees for collecting: *Provided*, that if for any cause the court do not sit at the June term, the collector shall be allowed further time to pay over the amount due on the delinquent list.

Proviso.

Suits, when
brought.

§ 15. All suits or applications for judgment and order of sale for the taxes on delinquent lands and town lots, shall be made at the terms of the county court sitting for the transaction of county business: *Provided*, that if, for any cause, the court shall not be holden at the term at which judgment is prayed, the cause shall be continued, and it shall not be necessary to re-advertise the list or notice required by law to be advertised before judgment and sale:

Proviso.

Further proviso.
so.

Provided, further, that the term of the court at which

the collector shall obtain judgment on the delinquent land
it, shall not be continued for a longer time than six days
from its commencement.

§ 16. The printer publishing the list of delinquent lands Duty of printer.
and town lots, shall transmit by mail, or other safe convey-
ance, to the collector, four copies of the paper containing
said list. Upon the receipt of said papers, the collector
shall pay to the printer the amount of the fees allowed by
law for publishing said list and notice; and it shall be his
duty to file one copy of said paper in his office, and deliver
one copy to the clerk of the county court, and one copy to
the auditor of public accounts, and one copy to the state
treasurer, who shall file and safely preserve them in their
respective offices: *Provided*, that if said publication is not Proviso.
made in accordance with the requirements of the law, or
the papers above mentioned are not furnished the collector
before the first day of the term of the court, at which judg-
ment is prayed, the collector shall not pay said fees until
they are collected by him.

§ 17. If any collector shall neglect or refuse to pay the Collector and printer.
amount due the printer, as required by the act, it shall be
competent for the printer to forward two copies of the pa-
per containing the advertisement, with a statement of his
account, and of the facts in the case, to the auditor of pub-
lic accounts, and if the auditor be satisfied that the amount
ought to be paid, he shall issue his warrant on the treasurer
for the amount due, and charge the same to the collector:
Provided, that said papers and statement be presented to Proviso.
the auditor on or before the day of sale. Any printer who
shall so demand payment from the auditor, after he has re- Penalty of prin-
ter.
ceived pay from the collector, or shall receive payment from
the collector after he has forwarded the demand on the aud-
itor, shall forfeit and pay to the state double the amount of
said account, to be recovered in any court having jurisdic-
tion of the amount.

§ 18. The auditor shall credit the collector with the Duty of auditor
and clerk.
amount of the printer's fees on the property forfeited to the
state, and the clerk shall annually add to the taxes of the
year following the amount for which the tract or lot was for-
feited, including the printer's fees, and six per cent. inter-
est, for one year from the date of the last sale. The amount
of said fees to be paid into the state treasury, when collect-
ed, and the additions to be continued from year to year,
until the whole amount due on said tract or lot is collected.
All laws authorizing the clerks of the county courts to re- Laws repealed.
ceive the redemption money on property forfeited to the
state, are hereby repealed.

§ 19. If, upon the final settlement of any account, it is Money to be re-
funded.
ascertained that the collector has paid into the state treas-
ury a greater sum than is justly due from him to the state,

the auditor shall refund the same, by issuing his warrant on the treasury for the amount so overpaid.

Fines to be paid
to sheriff.

§ 20. Every justice of the peace, or other officer, who may have collected any fine imposed by virtue of the seventh section of chapter eighty-nine of the Revised Statutes, shall, within three months from and after the passage of this act, pay the amount so collected and due the state, to the sheriff of his county, and take duplicate receipts therefor, one of which he shall forward by mail to the auditor of public accounts; and hereafter it shall be the duty of the officer collecting any such fine, to report the same to the clerk of the county court within three days thereafter, and pay the amount so collected over to the sheriff; and the clerk shall file said report in his office, and forward a certified copy thereof to the auditor. And it shall be the duty of

Duty of sheriff.

the sheriff of the several counties to demand and receive the amount of any such fine, and pay the same into the state treasury. Every officer neglecting or refusing to comply with the requirements of this section, shall forfeit and pay to the state double the amount received by him, and shall be removed from his office.

Penalty of officers.

Licenses, how
obtained.

§ 21. Any person desiring to obtain a license from the state, as provided for in the seventh section of chapter eighty-nine of the Revised Statutes, shall apply to the auditor of public accounts, who shall issue his order to the treasurer, directing him to receive from said person the amount required by law for said license; and upon the presentation of the treasurer's receipt, the auditor shall issue a license, under the seal of his office, which shall be countersigned by the treasurer, and shall have the same force and effect as the licenses heretofore issued by the secretary of state. So much of the above recited chapter as authorizes the secretary of the state to grant licenses, is hereby repealed.

Auditor to settle
with printers.

§ 22. If the time of holding the circuit court in any county in this state has been so changed by law, as to prevent the collector from obtaining judgment on the delinquent land list, or the court did not sit at its regular term, in consequence of which the fees for advertising said delinquent list were not collected and paid to the printer, the auditor of public accounts is hereby authorized and required to draw his warrant on the treasurer in favor of any such printer for the amount of fees allowed by law.

Laws repealed.

§ 23. All acts and parts of acts conflicting with this act, are hereby repealed; and the auditor shall furnish the revenue officers of the several counties with a copy of this act.

§ 24. This act to take effect and be in force from and after its passage.

APPROVED November 6, 1849.

AN ACT to legalize the assessment in certain counties.

In force Nov.
6, 1849

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the assessment in the county of Kane for the taxes of the year 1849, be and the same is hereby declared to be as good, valid and effectual as if it had been made and returned in strict conformity to law: Provided, that the provisions of this section shall apply to the assessment in each and every county in which the assessment has not been completed and returned as provided for by law.*

§ 2. When the assessment has not been completed and returned within the time specified in the revenue law, the county court may allow abatements on over-assessments, at any term of said court prior to the June term thereof. This act to take effect and be in force from and after its passage.

APPROVED November 6, 1849.

JOINT RESOLUTIONS.

JOINT RESOLUTIONS of instruction relative to the Atlantic and Pacific railroad.

1st. *Resolved by the Senate, the House of Representatives concurring,* That we cordially approve of the general proposition of constructing a national railroad, commencing at some point on the eastern line of the territories lying between the states and the Pacific ocean, on such route as shall, after due and proper explorations, be found most practicable. Approval of
Pacific rail-
road.

2d. *Resolved,* That the eastern terminus of said road should be fixed at such point as shall be found the most easy of approach to an union with the great chains of eastern and western railroads, running through the states to the Atlantic, now in progress of construction, and without special regard to the interest of any town or city. Terminus.

3d. *Resolved,* That in our opinion a point as far north as Council Bluffs, or between that and the mouth of the Kansas river, for the eastern terminus of said national railroad, is the most eligible point for a union of said road with the before mentioned railroads, leading easterly through the states, to the great commercial marts on the Atlantic, thereby alike subserving the best interest of the cities of the lakes, the interest of the interior of Ohio, Indiana, Illinois and Missouri, and country south of the Ohio river. Most eligible
point.

4th. *Resolved,* That our senators in congress be instructed, and our representatives requested, to conform their action on the subject embraced in these resolutions to the principles herein expressed. Instruction to
delegation in
congress.

5th. *Resolved,* That we hereby rescind all former resolutions on the subject, incompatible with the opinions herein expressed, and that a copy hereof be transmitted to each of our senators and representatives in congress. Resolutions re-
scinded.

JOINT RESOLUTION relative to amending the constitution.

Preamble.

Whereas the fifteenth article of the constitution of the state of Illinois provides "that there shall be annually assessed and collected a tax of two mills upon each dollar's worth of taxable property, in addition to all other taxes, to be applied as follows, to wit: The fund so created shall be kept separate, and shall annually, on the first day of January, be apportioned and paid over *pro rata* upon all such state indebtedness, other than the canal and school indebtedness, as may for that purpose be presented by the holders of the same, to be entered as credits upon and to that extent in extinguishment of the principal of said indebtedness;" and whereas said provisions do not accord with the wishes of the creditors of the state, and involve much inconvenience and irregularity, as well as considerable expense in the application and keeping of the accounts necessarily attending the said apportionment; and whereas it is of great importance to the interests of the state that some means be adopted at the earliest possible day by which the gradual liquidation, reduction and ultimate payment of the state debt may be effected; therefore,

Substitute proposed.

Be it resolved by the Senate, the House of Representatives concurring herein, That the following article be and the same is hereby proposed as a substitute for, and to stand in place of the fifteenth article of the constitution of the state of Illinois, to be acted upon in the manner provided in the second section of the twelfth article of the constitution.

ARTICLE 15TH.

Alteration of constitution.

There shall be annually assessed and collected, in the same manner as other state revenue may be assessed and collected, a tax of two mills upon each dollar's worth of taxable property, in addition to all other taxes, to be applied as follows, to wit: The fund so created shall be kept separate, and constitute a *sinking fund*, to be used in such manner as may be prescribed by law, for the purpose of purchasing, in open market, any of the indebtedness of the state, bearing interest, other than the canal registered indebtedness, the school indebtedness, and such other indebtedness as is not fully recognized by the laws of the state.

JOINT RESOLUTION relative to flogging in the navy of the United States.

Congressional delegation instructed.

Resolved by the Senate and House of Representatives of the General Assembly of Illinois, That our senators be in-

structed, and our representatives in the congress of the United States be requested to use their best exertions to have the punishment of flogging abolished in the navy of the United States.

Resolved, That his excellency, the governor, be requested to transmit a copy of the foregoing resolution to each of our senators and representatives in congress. Governor to forward copies.

JOINT RESOLUTION of instructions relative to removal of obstructions in the Mississippi river.

Resolved by the Senate, the House of Representatives concurring herein, That our senators be instructed, and our representatives in congress requested to use their exertions to procure appropriations from the general government to remove the obstructions in the rapids of the Upper Mississippi, and the Des Moines Rapids. Congressional delegation to ask appropriation.

JOINT RESOLUTION of instruction to the secretary of state.

Resolved by the Senate, the House of Representatives concurring, That the secretary of state be instructed to place at the disposal of each university and college in this state, a copy of the laws and the journals of each house. Secretary of state to furnish laws, &c.

JOINT RESOLUTION relative to the survey of routes for the Pacific railway.

Resolved by the House of Representatives, the Senate concurring herein, That our senators and representatives be requested to use all proper means in their power to procure, immediately, a liberal and sufficient appropriation by congress for an extensive and thorough survey of the mountains and intermediate country dividing the western boundary of the states from the Pacific ocean, with the view of connecting these oceans, or their navigable waters, by a national railway. And as soon as this appropriation shall have been made, that they be requested to call upon the chief magistrate and urge the necessity of a large and efficient corps of engineers to complete the preliminary and Delegation instructed to procure survey.

Copies to be
furnished.

first step of this great work of the age, with as little delay as possible, and that our senators and representatives be furnished with copies of this resolution.

JOINT RESOLUTION relative to publishing the laws.

Laws to be pub-
lished.

Resolved by the General Assembly, That the secretary of state be instructed to publish all laws of a general nature, passed at the present session of the general assembly, which take effect from their passage, or which take effect immediately thereafter, in the "Illinois State Register," "Illinois Journal," and "Illinois Organ," immediately after the adjournment of the general assembly; which laws, when so published, shall be evidence of what therein is provided: *Provided*, that the cost of publishing the said laws shall not exceed thirty dollars to each of said papers, and that one copy of each of said papers shall be furnished to the clerks of the circuit and county courts of each county in this state.

JOINT RESOLUTION authorizing the governor to procure a stone for the Washington Monument.

Governor to
procure stone.

Resolved by the Senate, the House concurring herein, That the governor be respectfully requested to provide a suitable stone, to be procured from some quarry in Illinois, and to be presented by him, in the name of the people of the state, to the "Washington National Monument Society," for the purpose of being placed in the monument to be erected to the memory of the Father of his country.

Governor to
pay expense.

Resolved, That the governor is hereby authorized to defray the expense of procuring and transmitting the said stone, out of the contingent fund.

JOINT RESOLUTION relative to the laws, journals, copying, &c.

Laws to be
printed, &c.

Resolved by the Senate, the House of Representatives concurring herein, That the secretary of state cause eight hundred copies of the laws, passed at this session of the

general assembly, to be printed ; five hundred copies to be stitched in pamphlet form, and covered with blue paper, for the distribution to the several counties of this state, and three hundred copies half bound, to be preserved by the secretary of state, to be bound with the laws of the next regular session of the general assembly.

Resolved, That the laws passed at this session be copied, ^{Copying, &c.} side notes made thereto, and indexed under the direction of the secretary of state, and at a cost per hundred words not exceeding the price fixed by law ; and five hundred copies of the journals of each house be printed and distributed with ^{Journals.} the laws as above provided.

STATE OF ILLINOIS,

Office of Secretary State.

I, HORACE S. COOLEY, secretary of state of the state of Illinois, hereby certify the foregoing to be true and perfect copies of the enrolled laws and joint resolutions deposited in this office ; the words printed in brackets, thus, [] in the several laws in which they occur, not being in the enrolled laws, but are introduced in the printed laws for the purpose of correcting and explaining the same.

In testimony whereof, I have hereunto subscribed my name, at Springfield, this 26th day of November, 1849.

HORACE S. COOLEY,
Secretary of State.

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LAWS OF 1851.

GENERAL LAWS

OF THE

STATE OF ILLINOIS,

PASSED BY THE

SEVENTEENTH GENERAL ASSEMBLY,

AT THE

SESSION COMMENCING JANUARY 6, 1851.

SPRINGFIELD:

LANPHIER & WALKER, PRINTERS.

1851.

LAWS OF 1851.

AN ACT making partial appropriations.

In force Jan.
18, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the auditor of public accounts be and he is hereby required to draw his warrant on the treasurer for the sum of fifty dollars to each member of the general assembly, to the speaker of each house, the secretary and assistant secretary of the senate, the clerk and assistant clerk of the house of representatives, to each of the engrossing and enrolling clerks, and assistant engrossing and enrolling clerks, and to each of the doorkeepers and assistant doorkeepers of the house and senate. \$50 appropriated to members and officers.

§ 2. The secretary of the senate and the clerk of the house of representatives shall certify to the auditor of public accounts, as soon as practicable, the names of the members and officers of the seventeenth general assembly. Names to be certified.

§ 3. This act to be in force from and after its passage.
APPROVED January 18, 1850.

AN ACT to distribute the surplus copies of the Revised Statutes.

In force Jan.
23, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That so much of an act entitled "An act in relation to the state library," approved January twenty-seventh, one thousand eight hundred and forty-seven, as authorizes the secretary of state to sell the surplus copies of the Revised Statutes, be and the same is hereby repealed. Act repealed in part.

Surplus copies of Revised Statutes to be distributed.

§ 2. The secretary of state is hereby authorized to distribute to the members of this general assembly, in equal proportions, all the surplus copies of the Revised Statutes, not needed for the use of his department.

Members of general assembly to distribute to destitute officers.

§ 3. The volumes of said statutes, so furnished by the secretary of state to the members of this general assembly, shall be by them distributed, in their respective districts, to such justices of the peace, and other legal officers, as may be destitute of them, to be by them transferred to their successors in office.

Sec'y of state to distribute in certain cases.

§ 4. In case the members of the general assembly shall fail or neglect to take and distribute the copies of the statutes, as provided in the foregoing sections, that then the same shall be distributed by the secretary of state, at the same time and manner as the laws and journals shall be distributed.

APPROVED January 23, 1851.

In force April 18, 1851.

AN ACT for the protection of state lands.

Persons guilty of trespass on state lands to be fined.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That any person who shall wilfully cut, fell, box, bore, injure, or destroy any tree or sapling, standing or growing upon any land which has been or may be donated, granted, or conveyed to the state of Illinois, or the people of said state, or to any corporation, or persons, for the use of the state or people, under or by virtue of any law of the United States, or resolution of congress to aid the state in the construction of any railroad or canal, or any levee or drain, or other work of improvement, or to be used for any such purposes, shall be liable to indictment, and, upon conviction, to be fined, in not less than five nor more than ten dollars, for every tree or sapling so cut, felled, boxed, bored, injured, or destroyed; and the judgment of the court in all cases under this act, when the fine and costs are not replevied, shall be that the defendant stand committed until the fine and costs are paid.

Fines to be paid into state treasury.

§ 2. Fines collected under the provisions of this act shall be paid into the state treasury, and applied to the purposes for which the land on which the trespass was committed is or may be held.

§ 3. This act shall be given in charge to the grand jury of each county at each term of the circuit courts of this state, and the same shall be read at large to them.

APPROVED January 23, 1851.

AN ACT to extend the time for collectors in counties which have adopted township organisation to complete their duties. In force Jan. 24, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the time for the collectors in the several counties which have adopted township organization, to complete their collections, be and the same is hereby extended until the first day of March next: *Provided,* that this act shall not apply to such collector, or collectors, until he or they shall first appear before the clerk of the county court of the proper county, with his sureties, and such collector and his surety shall consent, in writing, under their hands and seals, to the said extension of time, and further consent that said extension shall not in any manner impair the obligation of the said collector and sureties upon his bond as collector. Time extended to March 1.
Sureties to consent.

§ .2 This act to take effect and be in force from and after its passage.

APPROVED January 24, 1850.

AN ACT to amend an act entitled "An act for the incorporation of institutions of learning." In force Jan. 24, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the act entitled "An act for the incorporation of institutions of learning," in force April 13th, 1849, be and the same is hereby amended by the addition of the words "and associates," after the word successors, in the second line of section two of said act. Words added.

§ 2. This act to be in force from and after its passage.

APPROVED January 24, 1851.

AN ACT to amend chapter 104, Revised Statutes, entitled 'Trespass.' In force May 1, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That every person who shall knowingly and wilfully, without color of title made in good faith, cut, box, fell, bore or destroy any tree or sapling standing or growing upon the land of any person or corporation, without the license or consent of the owner of such land, shall be adjudged guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum Penalty.

not less than ten nor more than one hundred dollars, or imprisoned in the county jail for any term not exceeding three months, in the discretion of the court in which such conviction is had.

Proceeding to be
by indictment.

§ 2. That all offenders against this act shall be proceeded against by indictment in the court of the proper county having cognizance of indictable offences; on the trial of which indictment the owner or owners of the land upon which such trespass shall be committed, are hereby declared competent witnesses.

Witnesses, who
may be.

Additional pen-
alty.

§ 3. It shall be the duty of the court in all cases of conviction under this statute, when any fine is inflicted, to order as a part of the judgment of the court that the offender shall be committed to jail, there to remain until the fine and costs are fully paid or otherwise legally discharged, and any judgment for fine and costs hereafter rendered under this act may be enforced by execution as in other criminal cases.

Option of land
owners.

§ 4. Nothing in this act contained shall be so construed as to prevent the owner from having his election, and maintaining an action of trespass to recover damages for the trespasses declared criminal by this act, and that an indictment under this act shall be a bar to the recovery of the penalty given by the statute by action of debt.

Travelers, &c.,
not subject to
penalty.

§ 5. This act shall be in force from and after the first day of May next, and shall not apply to any traveller or marketer passing upon the highway, who, for the purposes of encampment and building camp fires, shall violate the provisions of this act by cutting such trees or saplings as may be necessary for above purposes.

APPROVED January 28, 1851.

In force Jan. 28, 1851. AN ACT entitled an act to legalize the assessment of taxable property in McDonough county.

Oath to be at-
tached to as-
sessment book.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That William T. Head, as ex officio assessor of McDonough county be and is hereby authorized to indorse on, or attach to the assessment book, containing the assessment of said county for the year 1850, an oath or affidavit according to the mode prescribed in section twenty-two of an act approved February 8, 1849, entitled "An act to amend the several acts concerning the public revenue."*

Assessm't there-
upon to be va-
lid.

§ 2. That when said oath or affidavit shall have been made and indorsed on, or attached to said assessor's book the assessment made by the said William T. Head shall be as valid in law as if said oath or affidavit had been made

before he entered upon the discharge of his duties as assessor of said McDonough county.

§ 3. This act to take effect from and after its passage.

APPROVED January 28, 1851.

AN ACT relating to warehousemen, wharfingers, and other persons, and to prevent fraud. In force Jan. 28, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That no warehouseman, wharfinger, or other person, shall issue any receipt or other voucher for any goods, wares, merchandize, grain, or other produce or commodity, to any person or persons, purporting to be the owner or owners thereof unless such goods, wares, merchandize, or other produce or commodity, shall have been *bona fide* received into store by such warehouseman, or wharfinger, or other person, and shall be in store, and under his control at the time of issuing such receipt. Fraudulent receipts prohibited.

§ 2. That no warehousemen, wharfinger, or other person, shall issue any receipt or other voucher upon any goods, wares, merchandize, grain, or other produce or commodity, to any person or persons as security for any money loaned, or other indebtedness, unless such goods, wares, merchandize, grain or other produce or commodity, shall be, at the time of issuing such receipt, the property of such warehouseman or wharfinger, or other person, and shall be in store and under his control at the time of issuing such receipt, or other voucher as aforesaid. No person to issue receipts on property not his own.

§ 3. That no warehouseman, wharfinger, or other person, shall issue any second receipt for any goods, wares, merchandize, grain, or other produce or commodity, while any former receipt for any such goods or chattels as aforesaid, or any part thereof, shall be outstanding and uncanceled. No second receipt to be issued while first outstanding.

§ 4. That no warehouseman, wharfinger, or other person, shall sell, or encumber, ship, transfer or in any manner remove beyond his immediate control, any goods, wares, merchandize, grain, or other produce or commodity, for which a receipt shall have been given as aforesaid, without the written assent of the person or persons holding such receipt. Transfer of goods prohibited without consent of person holding receipt.

§ 5. Any warehouseman, wharfinger, or other person, who shall violate any of the foregoing provisions of this act, shall be deemed a cheat, and subject to indictment, and, upon conviction, shall be fined in any sum not exceeding one Penalty, fine & imprisonment.

thousand dollars, and imprisoned in the penitentiary of this state not exceeding five years; and all and every person aggrieved by the violation of any of the provisions of this act, may have and maintain an action on the case against the person or persons violating any of the foregoing provisions of this act, to recover all damages, immediate or consequential, which he or they may have sustained by reason of any such violation as aforesaid, before any court of competent jurisdiction, whether such person shall have been convicted as a cheat under this act or not.

§ 6. This act shall take effect and be in force from and after its passage.

APPROVED January 28, 1851.

In force Jan. 28, AN ACT to legalize the assessment of taxes in Schuyler county, for the year 1850.
1851.

ASSESSMENTS LEGALIZED. SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the assessments of taxable property, made by the assessor of the county of Schuyler, and state of Illinois, or by any of his deputies, for the year of our Lord one thousand eight hundred and fifty, be and the same is hereby legalized, ratified and confirmed and declared valid, and effectual to all intents and purposes, as if the same had been made in the manner, and completed and returned within the time required by law, any defect therein to the contrary notwithstanding.

COLLECTIONS LEGALIZED. § 2. All collections of taxes made by the collector of the said county of Schuyler, upon said assessments, are hereby legalized, and he shall account for and pay over the same in the time and manner required by law.

§ 3. This act to take effect and be in force from and after its passage.

APPROVED January 28, 1851.

In force Jan. 28, AN ACT to authorize the Board of Trustees of the Illinois and Michigan Canal to receive pay from certain persons therein named, for lots sold in the town of La Salle, in the year 1848.

CERTAIN PERSONS RELIEVED. SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the board of trustees of the Illinois and Michigan Canal, are hereby authorized to settle with, and receive pay from William Whaley, Richard Cody, John Allen and Michael Burke,

their heirs or assigns, as the case may be, for lots bought by them in the town of La Salle, in the year (1848) eighteen hundred and forty-eight, the said trustees estimating the value of said lots so sold according to the last appraisement of lots similarly situated in said town.

§ 2. This act to be in force from and after its passage.

APPROVED January 28, 1851.

AN ACT for the division of the town of Salisbury.

In force Jan. 28,
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That all ^{Town of La Salle created.} that portion of the present town of Salisbury, in the county of La Salle, which lies east of the west line of sections three (3,) ten (10,) fifteen (15,) twenty-two (22,) twenty-seven (27,) and thirty-three (33,) in township thirty-three (33,) north of the base line, and range one (1) east of the third principal meridian, be and the same is hereby set off and made to constitute a new town, to be known as the town of La Salle.

§ 2. There shall be no election of township officers in ^{Election.} said township of La Salle, until the time for holding the next general election of township officers in the county of La Salle, at which time an election shall be held at such place within said town of La Salle as may be selected by the clerk of the county court for the county of La Salle.

§ 3. All persons now acting as justices of the peace, ^{Present officers to continue in office.} and residing within the limits of the township of La Salle, aforesaid, shall continue so to act until their present commissions shall expire.

§ 4. This act shall be in force from and after its passage.

APPROVED January 28, 1851.

AN ACT to amend an act entitled "An act to provide for the construction of plank ^{In force Jan. 28, 1851.} roads by general law."

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the 27th ^{Limitation of responsibility of stockholders} section of an act entitled "An act to provide for the construction of plank roads by a general law," approved Feb'y 12, 1849, be and the same is hereby so amended, that any subscriber to the capital stock of any plank road to be constructed in this state, under said law, shall not be responsi-

ble beyond the actual amount of stock so by him subscribed and so much of the said law as conflicts herewith, be and the same is hereby repealed.

§ 2. This act to be in force from and after its passage.
APPROVED January 28, 1851.

In force Jan. 23, 1851. AN ACT to authorize the purchase of law books for the libraries of the supreme court.

Appropriation
to purchase law
books.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there be appropriated for the years 1851 and 1852, the sum of five hundred dollars annually, for each of the grand divisions of the supreme court, to be applied in the purchase of law books for the libraries of said court; the money to be drawn and expended under the direction of the justices of said court.

This act to be in force from and after its passage.
APPROVED January 28, 1851.

In force Jan. 29,
1851.

AN ACT to authorize the county of St. Clair to borrow money.

Authority to
borrow money.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the county of St. Clair be authorized and empowered to borrow a sum of money, not exceeding twenty-five thousand dollars, at a rate of interest not exceeding ten per cent. per annum, for any of the following purposes, namely: for building a court-house for said county, for the improvement of the roads therein, either by direct expenditure, or by subscribing for stock in any road company in said county, or for redeeming the county orders heretofore issued and outstanding against the said county.

Bonds may be is-
sued.

§ 2. That the county court of said county be permitted, in their discretion, to make the loan above provided for, and to issue bonds bearing the interest above prescribed, and payable as the said court shall direct; which bonds shall be signed by the county judges and attested by the clerk and the seal of the said court, shall be for such sums as said court may specify, and shall be binding on said county as security for such loan.

§ 3. This act to be in force from and after its passage.
APPROVED January 29, 1851.

AN ACT to amend an act entitled "An act to lease the penitentiary," approved In force Jan. March 1st, 1845. 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the lease granted to Samuel A. Buckmaster by the legislature of this state, by an act entitled "An act to lease the penitentiary," approved March first, 1845, be and the same is hereby extended, for and during the period of five years from and after the expiration of the present lease granted by the said act to which this is an amendment. Lease extend

§ 2. The said Samuel A. Buckmaster shall pay, annu- Yearly rent ally, the sum of five thousand and one hundred dollars bonus, or rent, for said penitentiary, as is provided for by sec. 2 of the act to which this is an amendment.

§ 3. The said Samuel A. Buckmaster shall enter into Bond require bond, conditioned to comply with the provisions of this act, and the act to which this is an amendment; which bond shall be made to the people of the state of Illinois, in the penal sum of twenty thousand dollars, with good and sufficient securities, to be approved by the governor of this state; which bond shall be executed within thirty days after the passage of this act, and shall be renewable every two years, or oftener, if, in the opinion of the inspectors of the penitentiary, the securities become insufficient.

§ 4. This act to take effect and be in force from and after its passage.

APPROVED January 31, 1851.

AN ACT to establish the twelfth judicial circuit.

In force Feb. 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the counties of Marion, Jefferson, Hamilton, Wayne, White, Wabash, Edwards, Gallatin and Saline, shall compose a judicial circuit, to be called the twelfth judicial circuit of the state of Illinois, and that circuit courts shall be holden at the respective county seats of the said counties, at the times following, viz: In the county of White, on the first Mondays in April and August; in the county of Wabash, on the Mondays following; in the county of Edwards, on the Mondays following; in the county of Wayne, on the Mondays following; in the county of Marion, on the Mondays following; in the county of Jefferson, on the Mondays following: in the county of Hamilton, on the Mondays following; in the county of Saline, on the Mondays follow- Time of holdn courts.

ing; and in the county of Gallatin, on the Mondays following, and to continue therein indefinitely for the dispatch of business.

Process return-
able as hereto-
fore.

§ 2. All writs, subpoenas, recognizances and other process which may have been or may be issued, and made returnable to the terms of the circuit courts in said counties, as heretofore required to be holden, shall be deemed and taken to be returnable to said terms of the circuit court in said counties as herein required to be holden, and all notices which may have been given, either by publication or otherwise, with reference to the terms as heretofore required to be holden, shall by force of this act refer to the terms of the court required to be held under this act in said counties; and all proceedings pending in said courts shall be taken up and proceeded with as if no alteration had been made in the times of holding said courts.

Election of
judge and at-
torney.

§ 3. On the second Monday in March next, an election for a judge and state's attorney for said judicial circuit shall be holden, which shall be conducted, and returns thereof made and certified and canvassed in the manner provided by the constitution and laws of this state. Said judge, when elected, shall hold his office until the next regular and general election for judges as provided by the constitution, and until his successor shall be elected and qualified.

Powers of judge.

§ 4. The said circuit judge, when elected, shall exercise all the powers, perform all the duties and have all the jurisdiction and authority now had, or hereafter to be required of, or exercised by circuit judges of this state, under the constitution or laws of this state, and shall receive the same compensation as other judges are entitled to receive by the constitution and laws of this state.

Duties and fees
of state's at-
torneys.

§ 5. The state's attorney elected under this act shall discharge all the duties, and receive the like fees and compensation for services as such, as appertain to said office by the constitution and laws of this state.

Duties of secre-
tary of state.

§ 6. It shall be the duty of the secretary of state to cause a certified copy of this act to be immediately transmitted to each of the clerks of the circuit and county courts of said counties, and the clerks of the county courts of said counties shall issue notices for the said election to the sheriffs thereof respectively; which notices shall be posted up by them in the several precincts, in all respects in like manner as provided by the constitution and laws of this state for holding general elections thereof.

§ 7. This act shall take effect and be in force from and after its passage.

APPROVED Feb'y 1, 1851.

AN ACT requiring county treasurers to give additional bonds in certain cases.

In force Feb. 1,
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the failure or refusal of any person heretofore or hereafter elected, or appointed to the office of county treasurer, to execute any bond required by any law passed before or subsequent to the election, shall vacate the office, and a successor shall be appointed, in counties having adopted township organization, by the board of supervisors, and in other counties, by the county courts; such successor to execute bond or bonds and execute the duties of the office as though he had been originally elected or appointed to that office.

Failure to execute bonds.

New election.

§ 2. This act shall take effect on its passage.

APPROVED Feb'y 1, 1851.

AN ACT to amend "An act to provide for the construction of plank roads by a general law," approved February 12, 1849.

In force Feb. 1,
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the eighth section of the act to which this is amendatory shall be so construed, that any plank road company formed and organized under the provisions of said act may procure by purchase or gift, from the owners thereof, any lands or the right of way over any lands necessary for the construction and convenience of the proposed road, and may also agree to the use of any part of a state or county road, or public highway, for the construction of a plank road, with the county court, or with the board of supervisors (in case such county shall be organized under the township organization law) in which such highway may be situated; such agreement with such court or board of supervisors shall be in writing, and filed and recorded in the office of the clerk of the county court, or may agree with the mayor and aldermen or corporate authorities of any town or city incorporated under or by virtue of any law of this state, for the use of any public street or public ground within the limits of such corporation, for the construction of a plank road, or for the use of such plank road company; which said agreement shall be in writing, and filed and recorded in the office of the clerk of the county court of the county wherein such corporation or city may be situated; and in all cases for the agreement for the use of any public highway or street, as aforesaid, the said company shall possess the right and power to cause the same to be opened the full width that the same was originally laid out or surveyed, or of the width

Companies may acquire lands &c.

Manner.

Duty of company.

that the same may have been declared by law, and upon giving twenty days' notice by their secretary or treasurer, to the owners, occupiers or claimants of land over which any such public highway or street may have been laid or declared, it shall be the duty of such owner, occupier or claimant, to remove all fences or other obstructions to which he or they may lay claim from off such highway or street, and in case default be made in the removal of any such fence or other obstruction, within thirty days after the date of service of notice as aforesaid, the said company may remove any and all such fences or other obstructions, placing the same (if a fence) upon the proper line, doing as little damage as the nature of the case will admit, and the said company shall have the right to demand and recover a reasonable price for such work and labor from the owner, occupants or claimants of such lands in any county having jurisdiction thereof.

Survey to be made and certified.

§ 2. Before constructing the road over any such lands as may be acquired by purchase or gift, or over any highway or street, by agreement with the county court, board of supervisors, or corporation as aforesaid, such company shall cause an accurate survey of such road or roads, street or streets, or parts thereof, to be made by a practical surveyor, by him certified, signed by two of the directors, and by them acknowledged before some officer authorized to take the acknowledgement of deeds, that the said survey is correct, and file the same in the office of the clerk of the county court wherein such land, roads or parts thereof may be situated.

Disputes, how settled.

§ 3. That in all cases where a dispute may arise in relation to the track or location of any public road, highway or street, or part or parts thereof, so as aforesaid agreed for, by any plank road company, and the original survey or plat thereof does not distinctly show the location of the same, or whenever the survey and plat cannot be found in the proper office, the same shall be surveyed and located upon the track or ground which has been used and travelled as such road or street for the three years next preceding such agreement: *Provided*, that the owner or owners of any such lands over which such road or street may pass, may agree with such company to alter or vary the location of such road or street, or parts thereof, across his or their said lands, and in that event, the old track shall thereby be vacated to the same extent as other lands are given in lieu thereof.

Proviso.

On expiration of charter, value of superstructure to be appraised.

§ 4. At the expiration of the corporate existence of any plank road company, by expiration of their term fixed by its articles of association, if said road shall have been constructed upon any public highway or street, the county in which said road is situated shall pay to said com-

pany the value of the plank superstructure of said road, at the time of said expiration, unless said company and said county shall again contract for the right of way over such public highway or street, upon a renewal of said company's charter. The value of such superstructure shall be ascertained by reference to three disinterested citizens of such county, one of whom shall be appointed by the board of supervisors, or county court (as the case may be) of said county, one other by said company, and they two shall choose the third, and their decision, under oath, to be binding and final upon both parties.

§ 5. That the provisions of this act, and of the act to which this is amendatory and supplemental, (as amended) shall apply and be extended to any and all plank road companies organized under said general law, and all the acts legally done or performed by such company, or contracts made for the use, or right of way over any lands or public highway, with the county court of any county, or with the board of supervisors of any county, be and the same are hereby confirmed in such plank road company: *Provided*, that in case any company has failed or omitted to acknowledge and file the survey of their said road as required by this act, the same shall be so made and filed within ninety days from the passage of this act, and all such plank road companies organized under this act, or the act to which this is an amendment, may construct their said road by a single or double track of plank, as such company may deem for their interest.

General applica-
tion of provi-
sions of this act

Proviso.

§ 6. If any person or persons shall wilfully cut down, or break, deface or injure any mile post or post on any such road, or shall wilfully cut or throw down, break or injure any gate, fence, or appendage, erected on any such road, or wilfully tear up, displace, break, or injure in any way, any such road or any thing thereunto belonging, or being an appendage, or for the use and convenience of any such road, he or they shall respectively and individually forfeit and pay to the company owning such road three times the amount of damage actually done, and, in every instance, he or she shall forfeit and pay at least the sum of twenty-five dollars. If any person, to avoid the legal tolls chargeable on said road, shall turn off such road, and pass around and avoid any gate on such road, he or she shall forfeit and pay to such company, for every offence, the sum of ten dollars. If any person shall forcibly pass any toll-gate on any such road, without having paid the legal toll, without the permission of the toll collector, he or she shall forfeit and pay to such company owning such road, the sum of twenty-five dollars for each offence. All penalties and forfeitures incurred under this act may be recovered by action of debt in any court having cognizance thereof, and where the penalty or forfeiture does not exceed the sum of one hundred

Penalty.

Amount.

How recovered.

dollars, the same may be prosecuted and recovered before any justice of the peace of the county where the offender or offenders may be committed. All and any suits arising under this act, or the act to which this is amendatory, may be brought and prosecuted to judgment in the name assumed by any such plank road company, as the name and style thereof may be set forth in their articles of association.

This act to be in force from and after its passage.

APPROVED Feb'y 1, 1851.

In force Feb. 4, 1851. AN ACT to amend an act entitled "An act to authorize certain records to be transcribed," approved January 20, 1849.

Compensation.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the county court of Schuyler county, Illinois, be and they are hereby authorized to fix the compensation of the commissioners who may be appointed under the provisions of the act to which this is an amendment, at any reasonable sum which they, in the exercise of a sound discretion, may deem proper to allow said commissioners: *Provided*, that such compensation shall not exceed the compensation now allowed by law to county recorders for recording deeds and other evidences of title, any thing in the law to which this an amendment to the contrary notwithstanding.

Proviso.

Brown county.

§ 2. All the powers and privileges conferred by this bill or the act to which this is an amendment, upon the county court of the county of Schuyler, be and the same are hereby as fully conferred upon the county court of the county of Brown.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED February 1, 1851.

In force April 18, 1851.

AN ACT to prohibit the retailing of intoxicating drinks.

Prohibition.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That every person who shall, by himself or agent, barter, sell, or exchange any wine, rum, brandy, gin, whisky, or other vinous, spiritous, or mixed liquors, by a less quantity than one quart, or who shall barter, sell, or exchange the said liquors, or any of them, by any quantity, and suffer them to be drank in any

Penalty.

house, tavern, store, grocery, out-house, shed, or other building, occupied by him, her or them, shall, on conviction, be fined for every offence twenty-five dollars. The giving away of any of the aforesaid liquors for the purpose of avoiding the provisions of this act, shall be construed as selling within the meaning of this act.

§ 2. Every person who shall sell or give any of the liquors specified in the first section of this act to any person, under the age of eighteen years, shall, on conviction thereof, be fined for every such offence in any sum not less than thirty dollars, nor more than one hundred dollars. Further penalty.

§ 3. The fines herein provided for may be recovered, either by indictment in any court having jurisdiction of such offence, or by action of debt in the name of the people of the state of Illinois, before any justice of the peace of the proper county. Fines, how recovered.

§ 4. The provisions of this act shall not extend to druggists or physicians who shall sell or give away any of the said liquors in good faith, for purely medical, mechanical, or sacramental purposes. Druggists and physicians excepted.

§ 5. The circuit courts of the several counties in this state shall give, or cause to be given in charge, the provisions of this act to the grand jury at every regular term of the court. Grand juries.

§ 6. All laws and parts of laws authorizing licenses to be granted to keep groceries, or for the sale of vinous, spirituous or mixed liquors, are hereby repealed, and the provisions of this act shall extend to all incorporated cities or towns in this state, any thing in their charters to the contrary notwithstanding: *Provided*, that nothing contained in this act shall affect the rights, privileges or liabilities of persons to whom licenses have heretofore been granted. Acts repealed.

§ 7. All fines collected under the provisions of this act, shall be paid into the proper county treasury, and set apart as a fund for the support of paupers in the county in which the same shall be collected. Fines, how applied.

APPROVED Feb. 1, 1851.

AN ACT to prevent the sale of the public square in the city of Chicago.

In force Feb. 4, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That block No. thirty-nine (39,) in the original town of Chicago, be and the same is hereby dedicated to public uses, as a public common and square. Dedication.

Sale prohibited.

§ 2. The board of supervisors, and all other county authorities of the county of Cook, and common council of the city of Chicago, are hereby forbidden to sell, mortgage, encumber or convey said block thirty-nine, or any part thereof.

Buildings may be constructed.

§ 3. That nothing in this act contained shall be so construed as to prevent the location of county buildings on said block thirty-nine.

§ 4. This act to be in force and to take effect from and after its passage.

APPROVED Feb. 4, 1851.

In force Feb. 4, 1851.

AN ACT to establish the thirteenth judicial circuit.

Courts.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That the counties of Kane, De Kalb, Boone and McHenry shall compose a judicial circuit, to be called the thirteenth judicial circuit; and that the circuit courts shall be held at the respective county seats of the said counties, at the times following, to wit: In the county of Kane, on the second Monday in February, May, August and November; in the county of De Kalb, on the first Monday in March and September; in the county of Boone, on the second Monday in March and September; in the county of McHenry, on the third Monday in March, September and January.*

Election for judge.

§ 2. There shall be an election holden in the respective counties composing the said judicial circuit, on the first Tuesday in June, A. D. 1851, for the election of a circuit judge; which election shall be conducted and the returns thereof made and canvassed in the manner provided by the constitution and laws of this state. Said judge, when elected, commissioned and qualified, shall hold his office until the next general election for judges, as provided by the constitution, and until his successor is elected and qualified.

Duty of secretary of state.

§ 3. It shall be the duty of the secretary of state to cause a certified copy of this act to be immediately transmitted to each of the clerks of the circuit and county courts of said counties, [and the clerks of the county courts of said counties] shall issue notices for said election, to the sheriffs thereof, respectively, notifying the electors of said election; which notices shall be posted up by them in the manner provided by the constitution and laws of this state, for holding general elections therein.

Powers of judge.

§ 4. The said circuit judge, when elected, shall exercise all the powers, perform all the duties, and have all the jurisdiction and authority now had, or hereafter to be re-

quired of, or exercised by circuit judges in this state, under the constitution and laws thereof, and shall receive the same compensation, and be liable to the same duties as other judges are entitled to receive and perform by the constitution and laws of this state.

§ 5. The judges now having jurisdiction and exercising ^{Present judges} authority within said circuit, as above established, shall hold and exercise such jurisdiction and authority, until the judge in this act provided for shall have been elected and qualified.

§ 6. No grand jury shall be selected or summoned to attend the circuit courts required to be held in the county of Kane, in the months of May and August; nor in the county of McHenry, in the months of March or September; nor shall any criminal causes be docketed for trial at said terms; but all criminal cases pending in said courts shall stand for trial at the succeeding terms thereof: *Provided*, that if any person shall be confined in the jail of either of said counties, at the time of holding said courts, for any indictable offence, the court shall try such persons in the same manner as at any other term of the court; and the court shall have power to cause a grand jury to be empaneled at said terms, to inquire into the cases of all persons confined in jail, as aforesaid; and, upon indictment found, to proceed thereon as at any other term of said court. ^{Grand jury, not to be summoned.}

§ 7. All writs and process which may have been, or may be issued and made returnable to the terms of courts in said counties, as heretofore required to be holden, shall be deemed and taken to be returnable to said terms of the courts as required to be holden under this act, and all notices which may have been given, either by publication, or otherwise, with reference to the terms as heretofore required to be held; and all proceedings pending in said courts shall be taken up and disposed of as if no alteration had been made in the times of holding said courts. ^{Return of writs, &c.}

§ 8. The present state's attorney for the eleventh judicial circuit shall be and remain the state's attorney for the thirteenth judicial circuit, hereby created, until his term of office shall expire, and until his successor shall be elected and qualified. A special election shall be held in the several counties composing the eleventh judicial circuit, on the first Thursday of April next, for a state's attorney for said circuit; notice of which election shall be given, and the canvassing and return of the votes conducted in the same manner as is now required in general elections for state's attorneys. The person having the highest number of votes shall be the state's attorney for said circuit; shall be commissioned and qualified as such, and shall hold his office until the next general election for state's attorney, as provided by the constitution of this state, and until his successor shall be elected and qualified. ^{State's att'y.} ^{Election in 11th circuit.}

Copies to be
transmitted.

§ 9. The secretary of state shall, forthwith, transmit a copy of this act to each of the clerks of the circuit and county courts of the eleventh judicial circuit.

§ 10. This act to be in force from and after its passage.
APPROVED February 4, 1851.

In force Feb. 6, 1851. AN ACT to amend an act entitled "An act to prevent loss to the state by the Macallister and Stebbins bonds," approved February 10, 1849.

Bonds to be sur-
rendered.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That upon surrender by Macallister and Stebbins of the bonds and other state securities specified in the first section of the act entitled "An act to prevent loss to the state by the Macallister and Stebbins bonds," approved Feb'y 10, 1849, other than those heretofore taken up by the state, or held by persons who have not availed themselves of the provisions of that act, the governor be and he hereby is authorized and required to deliver to said Macallister and Stebbins the balance of the liquidation bonds directed to be issued by the act aforesaid, after retaining a sufficient amount thereof to meet the outstanding liabilities in the hands of persons who have neglected to avail themselves of the provisions of said act, as provided in the second section thereof.

APPROVED February 6, 1851.

Liquidation
bonds to be is-
sued, in lieu
thereof.

In force Feb. 7,
1851.

AN ACT affirming the sale of the Quincy House property.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the sale of the Quincy House property, made by the governor of this state, under and by virtue of an act entitled "An act authorizing the sale of the Quincy House property," approved Feb'y 12th, 1849, to Horace F. Ash and Isaac R. Diller, be and the same is hereby affirmed.

APPROVED Feb'y 7, 1851.

Sale to Ash &
Diller confirm-
ed.

AN ACT to suspend the sale of lands owned by the state.

In force Feb. 7.
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That from and after the passage of this act, all lands owned and held by the state shall be suspended from sale, any thing in the act entitled "An act to provide for the sale of public property and the payment of the public debt," in force March 4th, 1843, to the contrary notwithstanding.

Sale of state
lands suspend-
ed.

APPROVED February 7, 1851.

AN ACT to relocate the county seat of Mason county.

In force Feb. 8,
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That an election shall be held in the county of Mason on the second Monday of March, A. D. 1851, at the usual places of holding elections in said county, for the removal of the seat of justice of said county; at which election the clerks thereof shall open two columns, one for Havanna, and one against removal, and shall take and record the vote of each qualified voter for one of the aforesaid places, or against the removal of the seat of justice of said county, as said voter shall direct.

Election to be
held.

§ 2. The same rules shall be observed in conducting said election, and in making returns thereof, and in counting said votes, and in all other things, as shall be required by law in elections for senators and representatives of the General Assembly of this state. The clerk of the county court shall, immediately on receipt of the election returns, in the presence of two justices of the peace, open the election returns, compare them, and certify the same to the county court, and the place having a majority of the legal votes of the county shall be and remain the seat of justice of said county.

Rules to be ob-
served.

§ 3. No point shall be voted for unless its proprietors, or some of them, shall, at least ten days previous to said election, execute a bond, with good and sufficient security, to the judges of the county court of Mason county, for the payment of the sum of one thousand dollars, payable to said county judges, or their successors in office, for the use of the county, to be applied to the erection of public buildings—one half of said sum of money to be paid when the public buildings are commenced, and the other half when said buildings are completed: *Provided, however,* that said bond or bonds shall be void and of no effect as to the pro-

Bonds to be ex-
ecuted.

prietors of all places except that where the county seat shall be located by a majority of the votes polled.

Public offices to be removed, in what case.

§ 4. Should it be found that a majority of the voters of said county of Mason, voting at such election, have voted for the removal of the county seat as aforesaid, it shall be the duty of the county court of said county, as soon as practicable after such election, to cause all the public offices of said county (required to be kept at the county seat) to be removed to the county seat located under this act, and it shall be the further duty of the county court, after such relocation of the county seat, to convey to Kean Mahony and Benjamin H. Gatton the block of lots donated by the original proprietors of the town of Bath, under an act of the General Assembly of the state of Illinois, entitled "An act to locate the county seat of Mason county," approved January 14th, 1843, together with all and singular the tenements and appurtenances thereon and thereto belonging, unto them the said Kean Mahony and Benjamin H. Gatton, their heirs and assigns, forever, in trust for the benefit of the original proprietors of the said town of Bath, under such declaration of trust as may be equitably and justly declared by the said county court, according to the respective interests of said original proprietors of the town of Bath; and it shall be the further duty of the county court of Mason county, in the event of such relocation of the county seat thereof, to make such remuneration to the original proprietors of the town of Bath, for moneys expended in erecting the court-house in said town, as they may deem advisable, and as shall be proven according to law.

Block to be conveyed.

Other remuneration to proprietors of Bath.

§ 5. This act to be in force from and after its passage.

APPROVED February 8, 1851.

In force Feb. 8, AN ACT authorizing the board of supervisors of Tazewell county to levy and collect a special tax to build a jail in said county.

Tax may be levied.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That the board of supervisors of Tazewell county is hereby authorized and empowered to levy and collect a special tax of six thousand dollars, for the purpose of building a jail in said county; three thousand dollars to be levied and collected for the year one thousand eight hundred and fifty-one, and three thousand for the year one thousand eight hundred and fifty-two; and said tax, when so collected, shall be applied for that purpose, and the residue of said money, if any, after completing said jail, to go into the county treasury of said county, for county purposes.*

This act to be in force from and after its passage.

APPROVED February 8, 1851.

AN ACT in relation to the penitentiary.

In force Feb. 10,
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the inspectors of the penitentiary be and they are hereby authorized to settle with the lessee of the penitentiary, for the improvements made by him, and which they, in their reports to the legislature, recommend to be paid for, and that they issue their certificate in favor of said lessee for the amount so allowed; which said certificate shall be received by the treasurer of this state as so much money paid by said lessee, and the said treasurer shall give his receipt for the same, to apply on any bonus or rent due or to become due from said lessee to the state of Illinois.

Inspector to settle with lessee.

How paid for.

§ 2. The inspectors of the penitentiary are hereby authorized to make such improvement in the penitentiary as is recommended by their reports, or such as they may deem necessary, from time to time, to be made, or for the safe keeping or successful working of the convicts: *Provided, however,* that they shall keep in view the bonus due or to become due from time to time, and that in no case shall they be allowed to draw on the treasury for making such improvements.

Improvements authorized.

Proviso.

§ 3. The guards of the penitentiary are by this [act] declared exempt from doing road labor, during their service as such guards.

Guards, exempt from road labor.

§ 4. This act to take effect from and after its passage.
APPROVED February 10, 1851.

AN ACT to exempt homesteads from sale on execution.

In force July 4,
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That in addition to the property now exempt by law from sale under execution, there shall be exempt from levy and forced sale, under any process or order from any court of law or equity in this state, for debts contracted from and after the fourth day of July, A. D. 1851, the lot of ground and the buildings thereon occupied as a residence, and owned by the debtor, being a householder, and having a family, to the value of one thousand dollars. Such exemption shall continue after the death of such householder, for the benefit of the widow and family, some or one of them continuing to occupy such homestead until the youngest child shall become twenty-one years of age, and until the death of such widow; and no release or waiver of such exemption shall

Homestead not to be sold on execution.

be valid unless the same shall be in writing, subscribed by such householder, and acknowledged in the same manner as conveyances of real estate are by law required to be acknowledged.

Exception.

§ 2. But no property shall, by virtue of this act, be exempt from sale for non-payment of taxes on assessments, or for a debt or liability incurred for the purchase or improvement thereof.

Proceedings

when value exceeds \$1,000, and premises divisible.

§ 3. If, in the opinion of the creditors or officer holding an execution against such householder, the premises claimed by him or her as exempt are worth more than one thousand dollars, such officer shall summon six qualified jurors of his county, who shall, upon oath, to be administered to them by the officer, appraise said premises, and if, in their opinion, the property may be divided without injury to the interest of the parties, they shall set off so much of said premises, including the dwelling house, as in their opinion shall be worth one thousand dollars, and the residue of said premises may be advertised and sold by such officer.

Proceedings

when premises are indivisible.

§ 4. In case the value of the premises shall, in the opinion of the jury, be more than one thousand dollars, and cannot be divided as is provided for in this act, they shall make and sign an appraisal of the value thereof, and deliver the same to the officer, who shall deliver a copy thereof to the execution debtor, or to some one of the family of suitable age to understand the nature thereof, with a notice thereto attached, that unless the execution debtor shall pay to said officer the surplus over and above the one thousand dollars, on the amount due on said execution, within sixty days thereafter, that such premises will be sold.

Premises, when to be sold.

§ 5. In case such surplus, or the amount due on said execution, shall not be paid within the said sixty days, it shall be lawful for the officer to advertise and sell the said premises, and out of the proceeds of such sale to pay to such execution debtor the said sum of one thousand dollars, which shall be exempt from execution for one year thereafter, and apply the balance on such execution: *Provided*, that no sale shall be made unless a greater sum than one thousand dollars shall be bid therefor; in which case the officer may return the execution for the want of property.

Proviso.

Costs, how charged.

§ 6. The costs and expenses of setting off such homestead, as provided herein, shall be charged and included in the officer's bill of costs upon such execution.

§ 7. This act shall take effect on the fourth day of July, A. D. 1851.

APPROVED February 11, 1851.

AN ACT to authorize the board of supervisors of Cook county to borrow money. In force Feb. 11, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the board of supervisors of the county of Cook, and their successors in office, be and they are hereby authorized and empowered to borrow upon the faith and pledge of said county, such necessary sum or sums of money, for any term of time, and at such rate of interest, payable at such place as they may deem expedient, not exceeding fifty thousand dollars, and to issue bonds or scrip therefor, under the seal of the county court of said county, signed by the chairman of said board of supervisors, or by his successor in office, and countersigned by the clerk of said board, or his successor in office: *Provided*, that when any money is borrowed under the authority of this act, the time for the repayment of the same shall be so fixed so that not exceeding five thousand dollars of the principal so borrowed shall fall due in any one year. Any sum or sums borrowed under the authority of this act, shall be applied by the board of supervisors, or their successors in office, for the use and benefit of said county, in the payment of the debts of the said county, and for the purchase of a lot or lots for a jail, and the erection thereof, in and for said county, for the repayment of any sum or sums so borrowed, with the interest upon the same. The said board of supervisors, or their successors in office, are hereby authorized to pledge the revenue accruing to the said county.

Supervisors authorized to borrow money.

To issue bonds.

Proviso.

Money, how applied.

§ 2. The board of supervisors of said county, or their successors in office, are hereby authorized and required to levy and collect a special tax upon all the taxable property in the county of Cook, sufficient to pay the accruing interest semi-annually, on any sum or sums they may borrow under the authority of this act, and to repay the principal as it may become due, at a rate of not exceeding five thousand dollars in any one year. Said taxes shall be levied and collected at the same time and in the same manner that other taxes of said county are levied and collected, and when collected, shall be applied by said board of supervisors, or their successors in office, to the payment of the interest and the repayment of the principal of the money borrowed under the authority of this act, and to no other use or purpose whatsoever, until the whole of the money so borrowed is paid up in full; and the persons loaning money to said county as aforesaid are to be in no way responsible for the faithful application or use of the money thus borrowed.

APPROVED February 11, 1851.

In force Feb. 11, AN ACT to create the county of Gallatin out of the counties of Gallatin and Saline.

'51, except secs.
1, 2, which take
effect Apr. 1 28.
Gallatin and
Saline abolish-
ed.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That the counties of Gallatin and Saline, in this state, shall be and the same are hereby abolished.*

New county of
Gallatin form-
ed.

§ 2. All that territory now embraced in the said counties of Gallatin and Saline shall compose hereafter one new county, to be styled and known as the *county of Gallatin*.

County seat es-
tablished.

§ 3. The county seat of said new county of Gallatin is hereby permanently located at Equality, in said county.

Election for co.
officers.

§ 4. On the second Monday in April next, an election shall be held at all the precincts established in the said counties of Gallatin and Saline, as heretofore existing, for all the county officers, who, by the constitution and laws of this state, are authorized or required to be elected in the several counties thereof, except justices of the peace and constables, for said new county of Gallatin; and the said election shall be conducted by the same officers and in the same manner, in each of the said counties, as other elections.

How conducted.

The clerks of the county courts of said counties shall cause the same notice to be given of said election as is required in other elections for county officers. The returns of said election shall be made to the clerk of the county court of Gallatin county, in the same time returns are required to be made in other elections for county officers. The said clerk of the county court of Gallatin county shall open said returns, and make such certificates and records of the result thereof, as is required by law in general elections. The officers so elected shall hold their offices until the next general election for county officers, and until their successors are duly elected and qualified, and shall give bonds and qualify at the same time and in the same manner as county officers elected at a general election. All justices of the peace and constables in each of said counties shall be considered and have jurisdiction as justices of the peace for said new county, during the time for which they shall have been elected.

Justices of the
peace to con-
tinue in office.

§ 5. The said new county hereby created shall succeed to all the rights and liabilities, in every respect whatever, of both said counties hereby abolished, and all suits may be maintained in behalf of or against said county which could have been maintained against or in favor of either of the counties hereby abolished.

Old sheriffs to
collect taxes

§ 6. The sheriffs of said counties of Gallatin and Saline are hereby authorized and required to collect all taxes due to the state and county in said county, until the same is fully completed, and shall account for and make settlement and pay over the county taxes to the proper officers of the new county of Gallatin, and also of the state, at the

same times and in the same manner as other sheriffs are required to account and pay over.

§ 7. The treasurer of said new county of Gallatin shall pay all orders issued by said counties of Saline and Gallatin, before the organization of the new county, in the same manner as if they had been issued by said new county.

Duty of treasurer of new m. d. county.

§ 8. All the records and papers of the circuit courts in said counties of Gallatin and Saline shall be delivered to the clerk of the circuit court of said new county. All suits pending in said circuit courts shall be considered and proceeded in as suits pending in the circuit court for said new county to final judgment and execution.

Records and papers of circuit courts.

§ 9. The clerk of the circuit court in said new county of Gallatin shall issue executions on all judgments remaining unsatisfied in the circuit courts of both said counties hereby abolished, in the same manner as if said judgments had been rendered in the circuit court for said new county, and nothing in this act contained shall in anywise affect the lien of any judgment rendered in the circuit court of either of the counties hereby abolished.

Suits to be proceeded with in new county.

§ 10. The records and papers of the county courts of each of said counties shall be delivered to the clerk of the county court of said new county, and shall be treated and considered, in all respects, as if the same were the records and papers of the county court of said new county, and all such proceedings may be had before the several officers of the new county hereby created, as might have been had before or by the like officers of each of the counties hereby abolished.

Executions on judgments rendered in old counties.

Records of county courts.

§ 11. The said new county of Gallatin is hereby added to the twelfth judicial circuit, in the place of the counties of Gallatin and Saline, and circuit courts shall be held in and for said new county by the judge of said circuit, at the court-house in Equality, on the Mondays following the circuit court in the county of Hamilton, as prescribed by the act creating the twelfth judicial circuit, and fixing the times of holding courts therein.

New county added to 12th circuit.

Time of court.

§ 12. The public buildings erected in the said county of Saline, and in the town of Shawneetown, in Gallatin county, shall be conveyed by the county courts of the counties in which they lie, in such manner as may best indemnify the persons at whose expense they have respectively been created.

Public buildings, how disposed of.

§ 13. The first and second sections of this act shall take effect from and after the fourth Monday of April next, and the remainder thereof from and after its passage.

When in force.

APPROVED February 11, 1851.

In force Feb. 11,
1851.

AN ACT changing the time of holding courts in the third judicial circuit.

Time of holding
courts.

Hardin.

Pope.

Johnson.

Williamson.

Franklin.

Jackson.

Union.

Alexander.

Pulaski.

Massac.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the circuit courts in the third judicial circuit shall be begun and held at the times hereinafter mentioned, to wit: In the county of Hardin, at Elizabethtown, on the first Mondays of April and the second Mondays in August; in the county of Pope, at Golconda, on the Mondays following; in the county of Johnson, at Vienna, on the Mondays following; in the county of Williamson, at Marion, on the Mondays following; in the county of Franklin, at Benton, on the Mondays following; in the county of Jackson, at Murphysboro, on the Mondays following; in the county of Union, at Jonesborough, on the Mondays following; in the county of Alexander, at Thebes, on the Mondays following; in the county of Pulaski, at North Caledonia, on the Mondays following; in the county of Massac, at Metropolis City, on the Mondays following, and to continue in the last mentioned county indefinitely, until the business therein shall be disposed of.

Writs, subpoenas, &c., made returnable to terms fixed by this act.

§ 2. All writs, subpoenas, and other process, which may have been or may be issued and made returnable to the terms of courts in said circuit as heretofore required to be holden, shall be deemed and taken to be returnable to said terms of the courts as required to be holden under this act, and all notices which may have been given, either by publication or otherwise, with reference to the terms as heretofore required to be holden, shall by force of this act refer to the terms of courts as required to be holden under this act, and all proceedings pending in said courts shall be taken up and disposed of as if no alteration had been made in the time of holding said courts.

Acts repealed.

§ 3. All acts and parts of acts conflicting with the provisions of this act shall be and the same are hereby repealed.

This act to take effect and be in force from and after its passage.

APPROVED February 11, 1851.

In force Feb. 11, 1851. AN ACT to establish the county of Kankakee, and for other purposes therein named.

The county of
Kankakee es-
tablished.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That all those portions of the county of Will and Iroquois, lying within the following boundaries, to wit: commencing at the north-east corner of fractional township thirty-two north, range

fifteen east, and running thence west on the north line of township thirty-two north, and range fifteen, fourteen, thirteen, and twelve east, to the north-east corner of township thirty-two north, range eleven east; thence south on the township line, three miles; thence west six miles, to the township line; thence south on the west line of range eleven east and fourteen west, to the centre of the west line of township twenty-nine north, range fourteen west; thence east, to the Indiana state line; thence north, on said line, to the place of beginning, be and the same are hereby created into a new county, to be called the county of Kankakee: *Provided*, that a majority of the voters of each of said counties of Will and Iroquois, voting upon the question, shall consent thereto, in the manner hereinafter prescribed. Boundaries. Proviso.

§ 2. The qualified voters of said counties of Will and Iroquois may, at a special election, to be held in the several precincts or towns of said counties, on the first Tuesday in April next, vote for or against the organization of said new county of Kankakee, by ballot, upon which shall be written, or printed, or partly written and partly printed, "For the new county" or "Against the new county." Election to be held.

§ 3. The county clerks of the counties of Will and Iroquois shall give notice of said election, in the several election districts of said counties, in the same manner as notices of general elections are given, as nearly as may be, and the judges of election and the clerks of the said several election districts of said counties of Will and Iroquois, shall keep a list of the votes polled at said election, and certify to and return the same to the clerks of the county courts of their respective counties, in the same manner as is provided for general elections. The said clerks shall, within seven days after said election, proceed to canvass the said vote in the same manner as in general elections, and the said clerk of Iroquois county court shall make return of the votes of said Iroquois county to Baldwin Hawkins and Orson Beebe of said county; and the clerk of the county court of Will county shall make return of the votes of said Will county to Noel Vasseur and William A. Chatfield, of Will county, in each case within three days after the same have been canvassed, and each of said clerks shall, also, within ten days, make return of said votes to the secretary of state. Duty of county clerks. Returns to be made.

§ 4. If it shall be found that a majority of all the voters in each of said counties of Will and Iroquois, voting upon the question, have voted in favor of the organization of said new county of Kankakee, then there shall be held a special election in the several precincts and towns within the limits above described, for said new county of Kankakee, on the second Monday of May next, for county officers. Said election shall be conducted by the judges then holding office In case new county is formed, election for officers to be held.

- How conducted.** under appointment from the counties of Will and Iroquois, and at the usual places of holding elections; at which election the qualified voters of said county of Kankakee shall elect all county officers for said county, (except such as are hereinafter excepted) who shall be commissioned and qualified in the same manner as such officers are in other counties in this state, and shall hold said offices until the next
- Tenure of offices** general election for such officers, and until their successors are elected and qualified, and shall have all the jurisdiction and perform all the duties which are or may be conferred upon or required of similar officers in other counties of this state.
- Justices of the peace to continue in office.** §. 5. Robert Hill, a justice of the Iroquois county court, and all justices of the peace and constables who have been heretofore elected and qualified in the counties of Will and Iroquois, whose term of office shall not have expired at the time of said election, and whose place of residence shall be embraced within the limits of said county of Kankakee, shall continue to hold their said offices, and exercise the jurisdiction and perform the duties thereof, until their term of office shall expire, and until their successors shall be elected and qualified. Immediately after said election, the clerk of the county court of Kankakee county shall notify the clerk of the county court of Iroquois county of the
- Special election in Iroquois county.** same, and the office of the said Robert Hill shall thereupon be declared vacant, and an election ordered to fill such vacancy in Iroquois county, in the same manner as other vacancies are filled.
- Township organization.** § 6. The voters at said election for county officers, shall also vote upon the question of township organization, and the same shall be conducted and returns thereof made, in all respects, as near as may be, in accordance with the laws then in force on that subject, and if it shall be found that a majority of all the voters of said county, voting at said election, shall have voted for township organization, it shall be the duty of the county court of said Kankakee county to proceed to lay off said county into townships, and shall order a town meeting to be held at such time as said county court may deem proper, and the officers then elected shall hold their offices until the next general election for such
- Township officers.** officers, and until their successors are elected and qualified:
- Proviso.** *Provided*, that in cases where justices of the peace and constables have been elected within the limits of such towns, before the division of said county of Kankakee into towns, and whose term of office shall not then have expired, and whose residence shall be in any of such towns, such justices and constables shall continue in said offices as provided
- County justices to become township justices.** in this act, and only such additional justices and constables shall be elected in said towns as may be necessary to sup-

ply deficiencies ; and the said county shall become subject to all the laws in force at that time, or to be enacted thereafter, on the subject of township organization. But in case it shall be found that said county shall not have adopted township organization, then said county shall be subject to all the laws of this state in force where such organization has not been adopted.

§ 7. For the purpose of fixing the permanent county How chosen. seat of said county of Kankakee, the voters of said county shall, at said election for county officers, vote for some place,

to be designated upon their ballots, for county seat. Upon said ballots shall be written or printed, or partly written and partly printed, "For county seat, _____," after which words shall be written or printed the name of the place intended. The place receiving a majority of all the votes polled upon that question, shall be the county seat of said Kankakee county, but if no one place shall receive a majority of all the votes polled upon that question, then it shall be the duty of the county court of said county to call another election within thirty days thereafter, at the several places of holding elections in said county; at which time the voters of said county shall select and vote for one of the two places having the highest number of votes on the former election, and the place having the majority of all the votes given, shall be the permanent county seat of said Kankakee county.

Second election, in what event held.

§ 8. Notices of said election for county officers shall be given by said William A. Chatfield, Orson Beebe, Noel Vasseur and Baldwin Hawkins, or any two of them, in the same manner as notices of general elections are given by the clerks of the county courts. Said notices shall also specify that a vote will be taken on township organization, and the location of the county seat.

Notice of election, by whom given.

§ 9. Returns of said election shall be made to Thomas Durham of Bourbonnais Grove, within five days after said election; and the said Thomas Durham, and two justices of the peace of said county of Kankakee, shall, within seven days after said election, proceed to open the poll-books, and shall canvass and make returns thereof in the same manner as is required of clerks and justices of the peace, under existing laws.

Returns, to whom made.

§ 10. All suits and prosecutions that have been or may be commenced in said counties of Will and Iroquois, including all proceedings in the county courts of said counties, in matters of probate, before the organization of said county of Kankakee, shall not be effected by this act; but all such suits, prosecutions and proceedings shall be prosecuted and conducted to their final termination in said counties of Will and Iroquois; and the officers of said counties of Will and Iroquois are hereby authorized to execute all

Suits, &c., not to be affected.

writs that may be necessary for the completion of said suits and prosecutions within the limits of said county of Kankakee, and all judgments that may have heretofore been obtained or that may hereafter be obtained under the provisions of this section, shall have the same lien upon all property within the limits of said county of Kankakee, as though the said territory had not been erected into a separate county.

Notice to circuit courts.

§ 11. As soon as the county officers shall have been elected and qualified, the said county of Kankakee shall be considered organized, and the clerk of the circuit court shall give notice to the judge of the eleventh judicial circuit, who shall hold court at such place as shall be designated by the county court of said county, until the county seat is located as herein provided for. Said court shall be held at such times as said judge shall direct, until otherwise provided by law.

Courts, where and when held.

School funds.

§ 12. The school funds belonging to the several towns embraced in the limits of said county of Kankakee, shall be paid and delivered over by the school commissioners of the counties of Will and Iroquois, to the school commissioners of the said county of Kankakee, so soon as he shall be elected and qualified.

Commissioner.

§ 13. That the county court of said county of Kankakee, or the board of supervisors, if said county should adopt township organization, may, [at] any term of said court or meeting of said board, by an order of said court or board, to be entered upon their records, appoint some competent person a commissioner, for the purpose hereinafter expressed, who shall take an oath of office before the clerk of the county court, or some justice of the peace of said county. Said county court or board of supervisors shall, at the same time, provide a sufficient number of blank books, and deliver the same to said commissioner, who shall receipt for the same to the clerk of the county court.

Duty of commissioner.

§ 14. As soon as said book or books shall be delivered to said commissioner, he shall record in each book a copy of the order of his appointment, and of his oath of office, and shall thereupon proceed to transcribe into such book or books all such deeds, mortgages and title papers of every description, with the acknowledgments and certificates relating thereto, of lands lying in the county of Kankakee, which have been recorded, or may hereafter, before the organization of said county of Kankakee, be recorded in the recorders' offices of said counties of Will and Iroquois; and there shall be allowed to said commissioner such sum for his services as said court or board of supervisors shall deem just, to be paid out of the county treasury. Said commissioner shall note, at the end of each paper by him

His compensation.

transcribed, the book, page and county from which the same was transcribed.

§ 15. When said commissioner shall have completed his work, he shall make return of his said books to the circuit clerk of said Kankakee county, and they shall be taken and considered, to all intents and purposes, as books of record of deeds, mortgages and title papers for the said county of Kankakee, and copies of said papers, certified by the recorder of said county, shall be evidence in all courts and places, in the same manner that deeds and title papers, regularly recorded in the recorder's office, are evidence, and with the same effect.

Effect of records transcribed by commissioners.

§ 16. The secretary of state shall forthwith furnish the county clerks of the counties of Will and Iroquois with a copy of this act.

Duty of secretary of state.

§ 17. This act shall be in force from and after its passage.

APPROVED February 11, 1851.

AN ACT to provide for township organization.

In force April 1, 1851.

ARTICLE FIRST.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That at any general election that may be holden in the several counties in this state, the qualified voters in any county may vote for or against township organization in any county in this state.

Township organization, how adopted.

§ 2. The county court, on petition of fifty legal voters of said county, shall cause to be submitted to the voters of the county, the question of township organization under this act, by ballot, to be written or printed, or partly written or partly printed, "For township organization," or "Against township organization," to be canvassed, and returned in like manner as votes for state and county officers.

Question of organization, when submitted.

§ 3. The clerks of the county court shall enter an abstract of the returns of said election, to be made out and certified as in elections for state and county officers, record the same at length upon the record of the county court of the county, and shall certify the same to the auditor of public accounts.

Clerk to make returns.

§ 4. If it shall appear by the returns of said election that a majority of the legal voters of said county are for township organization, then the county so voting in favor of its adoption shall be governed by and subject to the provisions of this act on and after the first Tuesday of April next

Majority of legal voters required.

Provi-e

succeeding: *Provided*, that a majority of the voters voting at such election shall be taken and deemed a majority of the voters of said county.

Commissioners.

§ 5. The county court shall, at its next session, appoint three commissioners, residents of the county, to divide the county into towns or townships, and the said commissioners' services shall be audited by the first board of supervisors, and paid by the county.

Towns, how created

§ 6. The commissioners shall proceed to divide such county into towns, by making as many towns as there are townships, according to government surveys. Where fractions of townships are caused by the county lines not being in accordance with the surveyed townships, then the commissioners may attach such fractions to adjoining towns, where the number of inhabitants or the amount of territory shall not be sufficient for a separate town. Where a surveyed township shall have too few inhabitants for a separate organization, then such township may be added to some adjoining town, or such township may be divided between two or more towns for the time being. And when creeks or rivers may so divide such townships as to be inconvenient for transacting town business, then such creek or river may be made the town boundary, and the town fractions so formed may be disposed of as fractions caused by county lines.

Names of towns.

§ 7. Towns shall be named in accordance with the express wish of the inhabitants of the town, and if there shall not be a degree of unanimity as to the name, the commissioners may designate the name.

Commissioners to report.

§ 8. The commissioners so appointed shall make a written report of their proceedings, giving the names and bounds of each town, and present such report to the clerk of the county court, on or before the first day of March next succeeding.

Notices of town meeting.

§ 9. The clerk of the county court shall thereupon make out notices for each town, designating a suitable place for holding the first town meeting in such town, which shall be holden on the first Tuesday of April next thereafter, and shall deliver such notice to the sheriff of the county, who shall cause the same to be posted in not less than three of the most public places of the township, and not less than fifteen days before the first Tuesday in April aforesaid.

Clerk to send abstract to auditor.

§ 10. Each clerk of the county court shall, within thirty days after receiving such report of the commissioners, transmit, by mail, to the auditor of public accounts of this state, an abstract of such report, giving the bounds of each town, and the names designated; and said clerk shall record, in a book for the purpose, a description of each town, as fully as the report of the said commissioners.

Description to be recorded.

§ 11. If the auditor of public accounts, on comparing the abstracts of the reports from the several counties, shall find that any two or more townships have names alike, he shall transmit to the clerk of the county court of the county or counties which have to alter the name or names of such town or towns, and the board of supervisors of such county shall, at its next meeting thereafter, adopt for such town some name different from those heretofore named, so that no two towns organized under this act shall be named alike, and when such name shall be adopted, the clerk of the county court shall inform the auditor of public accounts, as before directed.

No two towns to have the same name.

§ 12. The auditor of public accounts shall make a record of the names and boundaries of the several towns organized under this act.

Auditor to make record.

ARTICLE SECOND.

Of the rights, powers and liabilities of towns as bodies corporate—Rights and liabilities of towns.

§ 1. Each town as a body corporate has capacity—

1st. To sue and be sued, in the manner prescribed in the laws of this state.

Power to sue, &c.

2d. To purchase and hold lands within its own limits, and for the use of its inhabitants, subject to the power of the general assembly.

Purchase lands.

3d. To make such contracts, purchase and hold such personal property as may be necessary to the exercise of its corporate or administrative powers.

Make contracts.

4th. To make such orders for the disposition, regulation or use of its corporate property as may be deemed conducive to the interest of its inhabitants.

Regulate property.

§ 2. No town shall possess or exercise any corporate powers, except such as are enumerated in this act, or shall be specially given by law, or shall be necessary to the exercise of the powers so enumerated or granted.

Powers prohibited.

Suits against towns.

§ 3. All acts or proceedings by or against a town, in its corporate capacity, shall be in the name of such town, but every conveyance of lands within the limits of such town, made in any manner, for the use or benefit of its inhabitants, shall have the same effect as if made to the town by name.

Legal proceedings.

ARTICLE THIRD.

Of Town Meetings.

§ 1. The citizens of the several towns of this state, qualified by the constitution to vote at general elections, shall annually assemble and hold town meetings in their respective towns, on the first Tuesday of April, at such place in each town as the electors thereof, at their annual town meetings, shall from time to time appoint; and notice of the time and place of holding such meeting shall be given by the town clerk, by posting up written or printed notices in three of the most public places in said town, at least ten days prior to said meeting.

Town Officers.

§ 2. There shall be chosen, at the annual town meeting in each town, one supervisor, one town clerk, one assessor, one collector, one overseer of the poor, three commissioners of highways, two constables, two justices of the peace, as many overseers of highways as there are road districts in the town, and so many pound-masters as the electors may determine : *Provided*, that justices of the peace and constables shall be elected only once in four years, except to fill vacancies, and such justices and constables shall be successors to precinct justices and constables : *Provided, further*, that any town having eight hundred or more legal voters shall be entitled to elect one additional supervisor.

Fence Viewers.

§ 3. The assessor and commissioners of highways elected in every town shall, by virtue of their office, be fence viewers of such town.

Powers of Electors at Town Meetings.

§ 4. The electors of each town shall have power, at their annual town meetings—

1st. To determine the number of pound-masters, and the locality of pounds.

2d. To elect such town officers as may be required to be chosen.

3d. To direct the institution or defence of suits at law or in equity, in all controversies where such town shall be interested.

4th. To direct such sum to be raised in such town, for prosecuting or defending such suit, as they may deem necessary.

5th. To make rules, regulations for ascertaining the sufficiency of all fences in such towns, and for impounding animals.

6th. To determine the time and manner in which cattle, horses, mules, asses, hogs, sheep or goats shall be permitted to go at large.

7th. To impose such penalties on persons offending against any rule or regulation established by such town, except such as relate to the keeping and maintaining of fences, as they may think proper, not exceeding ten dollars for each offence.

8th. To apply such penalties, when collected, in such manner as they may deem most conducive to the interest of such town.

§ 5. Special town meetings shall be held to supply vacancies in the several cases hereinafter provided for. They shall be held when the supervisors, town clerk and justices of the peace, or any two of them, together with at least twelve other freeholders of the town, shall, in writing, file in the office of town clerk a statement, that a special meeting is necessary to the interest of the town: and the town clerk, or, in case of his absence, the supervisor shall post up notices in five of the most public places in the town, giving at least ten days' notice of such special town meeting, and such meeting shall act on no subject that shall not be specified in the notice calling such meeting.

Special town meetings.
When called.
Powers of.

ARTICLE FOURTH.

Of the method of conducting Town Meetings.

§ 1. The electors present, at any time between the hours of nine and ten o'clock in the forenoon of the day on which there is an annual or special town meeting, shall be called to order by the town clerk, if there be one; in case there be none, or he is not present, then the voters may elect, by acclamation, one of their number chairman. They shall then proceed to choose one of their number to preside as moderator of such town meeting.

Town meetings,
how conducted

§ 2. The town clerk last before elected or appointed, shall be the clerk of the town meeting, and shall keep faithful minutes of its proceedings, in which he shall enter at length every order or direction, and all rules and regulations made by such meetings.

Who to be clerk.

Clerk pro tem.

§ 3. If the town clerk be absent, then such person as shall be chosen for that purpose by the electors present shall act as clerk of the meeting.

Clerk pro tem.

Town meetings,
how long to be
kept open.

§ 4. Town meetings shall be kept open from the time of opening in the morning until the setting of the sun, unless the voters present may by vote adjourn one hour, from twelve till one o'clock.

Motions, how
decided.

§ 5. All questions upon motions made at town meetings shall be determined by the majority of the electors voting; and the officer presiding at said meeting shall ascertain and declare the result of the votes upon each question.

Challenge of Voters.

Persons chal-
lenged to take
oath.

§ 6. If any person offering to vote at any election, or upon any question arising at such town meeting, shall be challenged as an unqualified voter, the presiding officer shall proceed thereupon in like manner as the judges at general elections are required, adapting the oath to the circumstances of the town meeting.

Qualification of voters.

Qualification of
voters.

§ 7. No person shall be a voter at any town meeting unless he shall be qualified to vote at general elections and has been for the last thirty days an actual resident of the town wherein he shall offer to vote.

Minutes of proceedings.

Clerk to keep
minutes.

§ 8. The minutes of the proceedings of every town meeting, subscribed by the clerk of said [meeting,] and by the presiding officer, shall be filed in the office of town clerk, within two days after such town meeting.

ARTICLE FIFTH.

Proclamations.

§ 1. Before the electors shall proceed to elect any town officer, proclamation shall be made of the opening of the polls, by the town clerk, and proclamation shall in like manner be made of each adjournment, and of the opening and closing of the polls, until the election is ended.

Voting, manner
of.

§ 2. The supervisor, town clerk, assessor, overseer of the poor, collector, commissioners of highways, constables and justices of the peace, shall be chosen by ballot; all other officers shall be chosen either by ballot, by yeas and nays, or by dividing the electors, as the electors of the meeting may determine.

Ballots, how
folded.

§ 3. When the electors vote by ballot, all the officers voted for shall be named in one ballot, which shall contain written or printed, or partly written and partly printed, the names of the persons voted for, and the offices to which such persons are intended to be chosen, and shall be deliv-

ered to the presiding officer so folded as to conceal the contents.

§ 4. When the election is by ballot, a poll list shall be kept by the clerk of the meeting, on which shall be entered the name of each person whose vote shall be received. Poll list.

§ 5. When the election is by ballot, the presiding officer shall deposite the ballots in a box provided for that purpose. Ballot box.

§ 6. At the close of every election by ballot, the presiding officer shall proceed publicly to canvass the votes; which canvass, when commenced, shall be continued, without adjournment or interruption, until the same be completed. Canvass of votes

§ 7. The canvass shall be conducted by taking a ballot at a time from the ballot box, and continue counting until the number of ballots are equal to the number of names on the poll list, and if there shall be any left in the box, they shall be immediately destroyed, and such persons as shall have the greatest number of votes shall be declared to be elected. If, on opening the ballots, two or more ballots shall be found to be so folded that it shall be apparent that the same person voted them, the presiding officer shall destroy such votes immediately. Canvass, how made. Double votes to be destroyed.

Result to be entered by clerk.

§ 8. The canvass being completed, a statement of the result shall be entered at length, by the clerk of the meeting, in the minutes of its proceedings, to be kept by him as before required, which shall be publicly read by him to the meeting, and such reading shall be deemed notice of the result of the election, to every person whose name shall have been entered on the poll list as a voter. Result to be entered on minutes.

Notice to officers elect.

§ 9. The clerk of every town meeting, within ten days thereafter, shall transmit to each person elected to any town office, whose name shall not have been entered on the poll list as a voter, a notice of his election. Notice given to persons elected.

ARTICLE SIXTH.

§ 1. No person shall be eligible to any town office, unless he shall have been one year a resident of such town. Qualification for office.

To take oath.

§ 2. Every person chosen to the office of supervisor, town clerk, assessor, overseer of the poor, and commissioner of highways and collector, before he enters upon the du- Oath of office.

ties of his office, and within ten days after he shall be notified of his election or appointment, shall take and subscribe, before some justice of the peace, such oath or affirmation of office as is prescribed by law.

And file certificate.

Certificate. § 3. Such person shall, within eight days thereafter, cause such certificate to be filed in the office of town clerk.

Neglect to.

Effect of neglect § 4. If any person chosen or appointed to either or any of the town offices above enumerated, shall neglect to take and subscribe such oath, and cause the certificate thereof to be filed as above required, such neglect shall be deemed a refusal to serve.

Acceptance to be signified.

Notice of acceptance. § 5. Every person chosen or appointed to the office of overseer of highways or pound-masters, before he enters on the duties of his office, and within ten days after he shall have been notified of his election or appointment, shall cause to be filed in the office of town clerk, a notice signifying his acceptance of such office. A neglect to cause such notice to be filed shall be deemed a refusal to serve.

Collector to file bond. § 6. Every person chosen or appointed to the office of collector, before he enters upon the duties of his office, and within eight days after he receives notice of the amount of taxes to be collected by him, shall execute to the supervisor of the town, and his successor in office, and lodge with him a bond, with one or more sureties, to be approved by such supervisor in double the amount of such taxes, conditioned for the faithful execution of his duties as such collector.

Bond to be lien on real estate. § 7. The supervisor shall, within six days thereafter, file such bond, with his approval indorsed thereon, in the office of the recorder, who shall make an entry thereof in a book to be provided for the purpose, in the same manner in which judgments are recorded, and every such bond shall be a lien on all the real estate, severally, of such collector within the county at the time of the filing thereof, and shall continue to be such lien until its conditions, together with all costs and charges which may accrue by the prosecution thereof, shall be fully satisfied.

Constables to take oath and file bond. § 8. Every person chosen to the office of constable, before he enters upon the duties of his office, and within eight days after he shall be notified of his election or appointment, shall take and subscribe the oath of office prescribed by law, and shall execute, in the presence of the supervi-

sor or town clerk of the town, with one or more sureties, to be approved of by such supervisor or town clerk, an instrument in writing, which such constable and his sureties shall jointly and severally agree to pay to each and every person who may be entitled thereto, all such sums of money as the said constable may become liable to pay, on account of any executions which shall be delivered to him for collection, by virtue of his office. Conditions.

§ 9. The supervisor or town clerk shall, if approved, To be approved. indorse such approval on such instrument, which shall be his approval of the sureties therein named, and then shall cause the same to be filed in the office of the town clerk, and a copy of such instrument, certified by the town clerk, shall be presumptive evidence in all courts of the execution thereof by such constable and his sureties.

§ 10. All actions against a constable or his sureties, upon such instrument, shall be prosecuted within two years after the expiration of the year for which the constable named therein shall have been elected or appointed. Limitation of actions.

§ 11. If any person, chosen or appointed to the office of collector or constable, shall not give such security and take such oath as is required above, within the time limited for that purpose, such neglect shall be deemed a refusal to serve. Effect of neglect to take oath, &c.

§ 12. If any person, chosen or appointed to the office of supervisor, town clerk, assessor, commissioner of highways or overseers of the poor, shall refuse to serve, he shall forfeit to the town the sum of twenty-five dollars. Penalty for refusing to serve.

§ 13. If any person, chosen or appointed to the office of overseer of highways or pound-masters, shall refuse to serve, he shall forfeit to the town ten dollars. Penalty against overseers and poundmasters.

§ 14. If any town officer, who is required by law to take the oath of office, shall enter upon the duties of his office before he shall have taken such oath, he shall forfeit to the town the sum of fifty dollars. Penalty for acting before oath filed.

§ 15. Town officers, except justices of the peace and constables, shall hold their office for one year, and until others are chosen or appointed in their places and are qualified. The justices of the peace and constables shall hold their offices for four years, or until others are chosen and qualified. Tenure of offices.

ARTICLE SEVENTH.

Vacancies in town offices, and the manner of filling them.

§ 1. If any town shall neglect, at its annual town meeting, to choose its proper town officers, or either of them, for any vacancy occurring, it shall be lawful for the justices of the peace, together with the supervisor and town clerk, or Vacancies, how filled.

by warrant under their hands and seals, to appoint such officers, and the persons so appointed shall hold their respective offices until others are chosen or appointed in their places, and shall have the same powers and be subject to the same duties and penalties as if they had been duly chosen by the electors; and in case any town in any county wherein township organization has been adopted, or shall hereafter be adopted, shall refuse or neglect to organize for the election of officers, the board of supervisors may annex said town to any adjoining town, and the said town so annexed shall hereafter form and constitute a part of said adjoining town.

Warrant of appointments to be filed.

§ 2. The justices and supervisors or town clerk making such appointment, shall cause such warrant to be forthwith filed in the office of the town clerk, and forthwith give notice to each person appointed.

Resignations.

§ 5. The justices of the peace of a town may, for sufficient cause shown to them, accept the resignation of any town officer of their town, and whenever they shall accept any such resignation, they shall forthwith give such notice thereof to the town clerk of the town.

ARTICLE EIGHTH.

Duties of moderator.

§ 1. The moderator chosen by the electors to preside at the annual or special town meeting, shall regulate the business and proceedings thereof, and shall decide all questions of order, and shall make public declaration of all votes passed. When any vote so declared by him shall, upon such declaration being questioned by one or more of the electors present, he shall make the vote certain by causing the voters to rise and be counted or by dividing off.

Disorderly persons, how dealt with.

§ 2. If any person shall conduct in a disorderly manner, and after notice from the moderator, shall persist therein, the moderator may order him to withdraw from the meeting, and on his refusal, may order a constable or other person to take him from the meeting and confine him in some convenient place, until the meeting shall adjourn, and the person so refusing to withdraw shall, for such offence, further forfeit a sum not exceeding ten dollars, for the use of the town.

Moderator to be fined for exposing ballots.

§ 3. If any moderator shall, at any town meeting, before the poll is closed, read or examine, or permit any person to read or examine the names on any voter's ballot, with the view of ascertaining any candidate voted for by him, such moderator shall forfeit to the use of the town the sum of twenty-five dollars.

Oath to be taken by moderator.

§ 4. Before the moderator, or the presiding officer of any town meeting, shall enter upon the duties of his office, he shall take an oath faithfully and impartially to discharge

the duties of such office ; which oath may be administered by the town clerk or other proper officer.

ARTICLE NINTH.

§ 1. The supervisor of each town shall receive and pay over all moneys raised therein, for defraying town charges, except those raised for the support of highways and bridges. Said supervisor shall give bond, with one or more sureties, conditioned for the faithful discharge of his duties in relation to the town revenue. Such bond to be approved by the town clerk, and filed in his office, with such approval indorsed thereon. Whenever the town clerk shall ascertain that such bond has been forfeited, he shall institute suit, in the name and for the use of the inhabitants of the town, against such supervisor.

Supervisors to give bond.

When suit to be brought.

§ 2. He shall prosecute, in the name of his town or otherwise, as may be necessary, for all penalties of fifty dollars and under, given by law to such town, or for its use, and for which no other officer is specially directed to prosecute ; and no person shall be disqualified from being a witness or juror in such suit, by reason of his being an inhabitant of said town.

Supervisors to bring suits in certain cases.

§ 3. He shall keep a just and true account of the receipts and expenditures of all moneys which shall come into his hands by virtue of his office, in a book to be provided for that purpose, at the expense [of the town,] and said books to be delivered to his successor in office.

To keep acct's.

§ 4. On Tuesday preceding the annual town meeting, he shall account with the justices of the peace and town clerk of the town, or a majority of them, for the disbursement of all moneys received by him, in his official capacity.

To settle.

§ 5. At every such accounting the justices and town clerk, or a majority of them, shall enter a certificate in the supervisor's office book of accounts, showing the state of his accounts at the date of the certificate.

Certificate.

§ 6. The supervisor of each town shall attend the annual meeting of the board of supervisors of the county, and at every adjourned or special meeting of said board, of which he shall have notice.

Supervisors to attend meetings of board.

§ 7. He shall receive all accounts which may be presented to him against the town, and shall lay them before the board of town auditors, at or before their annual meeting.

To receive accounts, &c.

§ 8. He shall lay before the board of supervisors such copies of entries concerning moneys voted to be raised in his town, as shall be delivered to him by the town clerk.

Further duties.

§ 9. If any supervisor shall refuse or shall wilfully neglect to perform any of the duties of his office contained in the preceding section, he shall forfeit to the town the sum of fifty dollars, and be disqualified to act as the supervisor of said town.

Penalty for neglect.

ARTICLE TENTH.

- Town clerk to have custody of records, &c.** § 1. The town clerk of each town in this state shall have the custody of all records, books and papers of the town, and he shall duly file all certificates of oaths, and other papers required by law to be filed in his office.
- To enter minutes, &c.** § 2. He shall transcribe in the book of records of his town, the minutes of the proceedings of every town meeting held therein, and he shall enter in his book every order or direction, and all rules and regulations by any such town meeting.
- To deliver to supervisor copies of certain entries, &c.** § 3. He shall deliver to the supervisor, before the annual meeting of the board of supervisors of the county, in each year, certified copies of all entries of votes for raising money, made since the last meeting of the board of supervisors, and recorded in the town book.
- To return the names of justices and constables.** § 4. The town clerk, immediately after the election or appointment of any justice of the peace, or the qualifying of any constables elected or appointed in their respective towns, shall return to the county clerk of their respective counties the names of such justices and constables.
- Penalty for omission.** § 5. If any town clerk shall wilfully omit to make such return, such omission is hereby declared to be a misdemeanor, and on conviction thereof, the person so offending shall be adjudged to pay a fine not exceeding ten dollars.
- Certified copies records to be evidence.** § 6. Copies of all papers duly filed in the office of the town clerk and transcripts from the book of records, certified by him, shall be evidence in all courts, in like manner as if the originals were produced.

ARTICLE ELEVENTH.

- Board of auditors.** § 1. In each town the supervisors, town clerk and justice of the town shall constitute a board of auditors to examine the accounts of the overseers of the poor and the commissioners of highways for such town, for moneys received and disbursed by them.
- Their duties.** § 2. The board of auditors of town accounts shall meet for the purpose of examining the same annually, in each town in the state, on the Tuesday preceding the annual town meeting to be held in such town.
- Accounts to be filed.** § 3. The accounts so audited [shall] be delivered, with the certificate of the auditors, or a majority of them, to the town clerk, to be by him kept on file for the inspection of any of the inhabitants of the town. They shall also be produced by the town clerk at the next annual meeting, and shall be there read by him.
- Charges against towns.** § 4. The board of auditors, composed of the same officers then in office, shall, at the same time and place as in section two, examine and audit all charges and claims against

their respective towns, and the compensation of all town officers, except supervisors, for county services.

§ 5. The said board shall make a certificate, to be signed by a majority of said board, specifying the nature of the claim or demand, and to whom the amount is allowed, and shall cause said certificate to be delivered to the town clerk of said town, to be by him kept on file for the inspection of any of the inhabitants of said town, and the aggregate amount shall be delivered to the supervisor, to be by him laid before the board of supervisors, at their annual meeting. The board of supervisors shall cause the amount of said charges to be levied upon the property of said town, and collected as other taxes are levied and collected. The claims and compensation audited and allowed shall be read to the electors at the next annual meeting as directed in section three.

When audited to be laid before board of supervisors.

How paid.

ARTICLE TWELFTH.

§ 1. The following town officers shall be entitled to compensation, at the following rates, for each day necessarily devoted by them to the service of the town in the duties of their respective offices:

Compensation.

§ 2. The town clerk, assessor, overseer of the poor, and commissioners of highways, shall receive for their services one dollar and fifty cents per day, when attending to business out of town—one dollar for business in their town: *Provided*, that the town clerk shall be paid fees for the following and not a per diem—for serving notices of election upon town officers, as required by law, twenty-five cents each; for filing any paper required by law to be filed in his office, ten cents each; for posting up notices required by law, twenty-five cents each; for recording any order or instrument of writing authorized by law, six cents for each one hundred words; for copying any record in his office and certifying the same, six cents for every one hundred words, to be paid by the person applying for the same.

Rate of fees.

§ 3. The pound-master shall be allowed the following fees for his services, to wit: for taking into the pound, and discharging therefrom every horse, ass, or mule and all neat cattle, ten cents each; for every sheep or lamb, three cents each; and for every [hog,] large or small, five cents.

Pound-master's fees.

ARTICLE THIRTEENTH.

§ 1. Whenever any controversy or cause of action shall exist between any towns of this state, and between any town and individual or corporation, such proceedings shall be had, either at law or equity, for the purpose of trying and finally settling such controversy, and the same shall be

Suits between towns.

conducted in the same manner, and the judgment or decree therein shall have the like effect as in other suits or proceedings of a similar kind between individuals and corporations.

Suits, how brought.

§ 2. In all such suits and proceedings, the town shall sue and be sued by its name, except where town officers shall be authorized by law to sue in their name of office, for the benefit of the town.

Time of notice.

§ 3. But no towns, or their officers, shall be required to appear, answer or plead to any such suit or action at the first term of the court after the commencement thereof, (when the same shall be commenced in the circuit court) unless the process aforesaid shall be served as herein directed, at least thirty days before the commencement of the term.

On whom served.

§ 4. In all legal proceedings against the town by name, the first process, and all other proceedings required to be served, shall [be] served on the supervisor of the town, and whenever any suit or proceeding shall be commenced, it shall be the duty of the supervisor to attend to the defence thereof, and to lay before the electors of the town, at the first town meeting, a full statement of such suit or proceeding, for their direction in regard to the defence thereof.

Duty of supervisor.

Witnesses and jurors.

§ 5. On the trial of every action in which a town will be a party or interested, the electors and inhabitants of such town shall be competent witnesses and jurors, except that in suits and proceedings by and against towns no inhabitant of either town shall be a juror.

Suits, how brought.

§ 6. Any person [action] in favor of a town which, if brought by an individual, could be prosecuted before a justice of the peace, may be prosecuted by such town in like manner, before any such justice, but no action to recover shall be brought [before] any of the justices of the peace residing in the town for the benefit of which the same is prosecuted, but all such actions may be brought before any one of the justices of the peace residing in any other town in the same county.

Suits for trespass on town lands.

§ 7. Whenever any [action] shall be brought to recover a penalty imposed for any trespass committed on the lands belonging to the town, if it shall appear on the trial thereof that the actual amount of injury to such town lands, in consequence of such trespass, exceeds the sum of twelve dollars and fifty cents, then the amount of the actual damage, with costs of suit, shall be recovered in said action, instead of any penalty for the same trespass imposed by the town meeting, and such recovery shall be a bar to every other suit for the same trespass.

Power of courts to partition.

§ 8. Whenever by any decree or decision in any suit or proceeding brought to settle any controversy in relation to town commons, or other lands the common property of a

town, or for the partition thereof, the right of any town shall be settled and confirmed, the court in which such proceeding shall be had may partition such lands according to right of the parties.

§ 9. In all suits or proceedings prosecuted by or against towns, or by and against town officers, in their name of office, costs shall be recovered as in like cases between individuals. Judgments recovered against a town or against town officers, in actions prosecuted by or against them in their name of office, shall be a town charge, and when levied and collected shall be paid to the person or persons to whom the same shall have been adjudged.

ARTICLE FOURTEENTH.

§ 1. Whenever the inhabitants of any town shall determine, at an annual town meeting, to erect one or more pounds therein, the same shall be kept under the care and direction of such pound-masters as shall be chosen or appointed for that purpose. Pounds.

§ 2. The inhabitants of any town may, at any annual town meeting, discontinue any pounds therein. May be discontinued.

§ 3. The following shall be deemed town charges: Town charges.

1st. The compensation of town officers for services rendered their respective towns.

2d. Contingent expenses necessarily incurred for the use and benefit of the town.

3d. The moneys authorized to be raised by the vote of a town meeting for any town purposes, and

4th. Every sum directed by law to be raised for any town purpose.

§ 4. The moneys necessary to defray the town charges of each town, shall be levied on the taxable property in such town, in the manner prescribed in the act for raising revenue and other moneys for state and county purposes and expenses. How raised.

§ 5. Whenever the term of any supervisor, town clerk, commissioner of highways or overseers of the poor shall expire, and other persons shall be elected or appointed to such office, it shall be the duty of such successor or successors, immediately after he or they shall have entered on the duties of the office, to demand of his or their predecessor all the books and papers under his or their control belonging to such office. Successors to demand books.

§ 6. Whenever either of the officers above named shall resign, or the office become vacant in any way, and another person shall be elected or appointed in his stead, the person so elected or appointed shall make such demand of his predecessor, or of any person having charge of such books and papers. Vacancy.

Persons going
out of office,
their duty.

§ 7. It shall be the duty of every person so going out of office, whenever thereto required, pursuant to the foregoing provisions, to deliver, upon oath, all the records, books and papers in his possession, or in his control, belonging to the office held by him; which oath may be administered by the officer to whom such delivery shall be made. It shall also be the duty of every supervisor, commissioner of highways and overseers of the poor, so going out of office, at the same time, to pay over to such successor the balance of moneys remaining in his hands, as ascertained by the auditors of town accounts.

Executors, their
duties.

§ 8. Upon the death of any of the officers enumerated, the successor of such officer shall make such demand as above provided, of the executors or administrators of such deceased officer, and it shall be the duty of such executors or administrators to deliver, upon the like oath, all records, books and papers in their possession, or under their control, belonging to the office held by their testator or intestate.

ARTICLE FIFTEENTH.

Powers of coun-
ties.

§ 1. Each county as a body corporate has capacity—
1st. To sue and be sued, in the manner prescribed by law.

2d. To purchase and hold land within its own limits, and for the use of its inhabitants, subject to the power of the general assembly over the same.

3d. To make such contracts, and to purchase and hold such personal property, as may be necessary to the exercise of its corporate or administrative powers; and

4th. To make such orders for the disposition, regulation or use of its corporate property as may be deemed conducive to the interests of its inhabitants.

Restrictions.

§ 2. No county, under this organization, shall possess or exercise any corporate powers except such as are enumerated in this act, or shall be specially given by law, or shall be necessary to the exercise of the powers so enumerated or given.

Proceedings, in
what name to
be carried on.

§ 3. All acts and proceeding by or against a county in its corporate capacity, shall be in the name of the board of supervisors of such county, but every conveyance of land within the limits of such county, made in any manner for the use and benefit of its inhabitants, shall have the same effect as if made to the board of supervisors.

Powers of coun-
ty, how execu-
ted.

§ 4. The powers of a county as a body politic can only be exercised by the board of supervisors thereof, or in pursuance of a resolution by them adopted.

ARTICLE SIXTEENTH.

§ 1. The supervisors of the several cities and towns of the counties of this state that shall adopt the town system under this act, shall meet annually, in their respective counties, for the dispatch of business, as a board of supervisors. They may also hold special meetings, at such times and places as they may find convenient, and shall have power to adjourn from time to time, as they may deem necessary. Meeting of supervisors.

§ 2. The annual meetings of the board of supervisors shall be holden on the second Monday in September in each and every year, at the county seat, and if the court-house be deemed convenient, to be held therein. Time of meeting.

§ 3. The board of supervisors, at their first meeting in every year, shall organize by choosing one of their number as chairman, who shall preside at all meetings of the board during the year. In case of his absence at any meeting the members present shall choose one of their number as temporary chairman. Organization.

§ 4. The board of supervisors of each county in this state, shall have power, at their annual meetings, or at any other meeting— Power of board of supervisors.

1st. To make all such orders, concerning the corporate property of the county, as they may deem expedient.

2d. To audit all accounts chargeable against such county, and to direct the raising of such sums as may be necessary to defray the same.

3d. To audit the accounts of town officers and other persons, against their respective towns, as are not otherwise by law provided for, and to direct the raising of such sums as may be necessary to defray the same.

4th. To appropriate funds to aid in the construction of roads and bridges in any part of their respective counties, whenever a majority of the whole board of the county may deem it proper and expedient.

5th. To perform all other duties, not inconsistent with this act, which may be required of or enjoined on them by any law of this state to the county courts.

§ 5. A majority of the supervisors of any county shall constitute a quorum for the transaction of business, and all questions which shall arise at meetings shall be determined by the votes of the majority of the supervisors present, except in such cases as is otherwise provided. Quorum.

§ 6. The board of supervisors shall sit with open doors, and all persons may attend their meetings. Open doors.

§ 7. Every chairman of the board of supervisors shall have power to administer an oath to any person, concerning any matter submitted to the board, or connected with their powers and duties. Oaths.

Clerk.

§ 8. The clerk of the county court shall be clerk of the board of supervisors, and whose general duty shall be—

His duties.

1st. To record in a book, to be provided for that purpose, all the proceedings of the board.

2d. To make regular entries of all the resolutions or decisions on all questions concerning the raising or payment of moneys, or for the regulating of affairs under their control.

3d. To record the vote of the supervisors on any question submitted to the board, if required by any member of the board.

4th. File and preserve all accounts acted upon by the board.

His compensation.

§ 9. The clerk shall receive a reasonable compensation for his services, to be fixed by the board, to be paid by the county.

Records and accounts.

§ 10. The books, records, and accounts of the board of supervisors shall be deposited with the clerk, and shall be open without reward, to the examination [of all persons.]

Duty of clerks.

§ 11. It shall be the duty of the clerk to designate upon every account upon which any sum shall be audited and allowed by the board, and the charges for which the same was allowed, and he shall deliver to any person who may demand it, a certified copy of any account on file in his office, on receiving from such person five cents for every one hundred words contained in said copy.

Court-houses and jails.

§ 12. It shall be the duty of the several boards of supervisors, as often as it shall be necessary, to build court-houses and jails, or cause the same to be repaired, in their respective counties, at the expense of such counties.

Poor-houses and poor.

§ 13. It shall be the duty of the board of supervisors to take charge of the poor, and the management of the poor-house in their respective counties that is given to the county commissioner's court, and the overseers of the poor of the several towns shall be accountable to and their compensation shall be audited by the board of supervisors, and paid by the county.

Pay of supervisors.

§ 14. Each member of the board of supervisors shall be allowed a compensation for his services and expenses in attending the meeting of the board, or for attending to any other business for the benefit of the town or county, at the rate of one dollar and fifty cents per day, to be audited by the board and paid by the county.

Penalty for neglect of duty.

§ 15. If any supervisor shall wilfully refuse or neglect to perform any of the duties which are or shall be required of him by law, as a member of the board of supervisors, he shall, for every such offence, forfeit the sum of two hundred dollars.

ARTICLE SEVENTEENTH.

§ 1. Every person elected or appointed to the office of county treasurer, shall, within ten days after he is notified of his election or appointment, file in the office of the county court clerk a written acceptance of the office of treasurer, and before he enters upon the duties of his office shall give bond to the supervisors of the county, with two or more sufficient sureties, to be approved of by the board of supervisors, and in such sum as they shall direct, conditioned that such person shall faithfully execute the duties of his office, and shall pay, according to law, all moneys which shall come to his hands as treasurer, and render a just and true account thereof to the board of supervisors, or to the auditor of public accounts of this state, when thereupon required.

To file acceptance.

To give bond.

§ 2. Such bond, when approved by the board of supervisors, shall be entered upon the records and filed in the office of the county clerk. Said clerk shall forward a certified copy thereof to the auditor of public accounts, who shall file the same in his office; and such copy shall have the same force and effect as the original bond. County treasurer's bonds shall be a lien against their real estate.

Bond to be recorded.

Copy sent to auditor.

Lien.

§ 3. It shall be the duty of the county treasurer to receive all moneys belonging to the county, from whatever source they may be derived, and all moneys belonging to the state, which by law are directed to be paid to him, and to pay and apply such moneys in the manner required by law.

His duties.

§ 4. The county treasurer shall keep a just and true account of the receipts and expenditures of all moneys, in a book or books to be kept for that purpose; which books shall be provided at the expense of the county.

To keep accounts.

§ 5. The county treasurer shall have the same power to collect the taxes charged against the delinquent or non-resident lands or town lots, and to make sale thereof for the same, as is now or may hereafter be vested in the sheriff or collector under the general laws of this state, and shall account for and pay over the state tax in like manner, and at the same time that county collectors are required to pay over said tax. Said treasurer shall be entitled to like fees for delinquent real estate, and for traveling to the seat of government, as county collectors are entitled to under the revenue laws. The county treasurer shall, within twenty days after having completed the collection of the delinquent tax, deposit the assessment rolls or tax books returned by the town collectors, in the office of the county clerk.

To collect delinquent tax list, and settle with auditor.

§ 6. At the annual meeting of the board of supervisors, or at such other times as they shall direct, the county treasurer shall exhibit to them all his books and ac-

To exhibit books and accounts.

counts, and all vouchers relating to the same to be credited and allowed.

When books to
to be surren-
dered.

§ 7. Upon the death, resignation or removal from office of any county treasurer, all the books and papers belonging to his office shall be delivered to his successor in office, upon his oath, or in case of his death, upon the oath of his executors or administrators. In case such treasurer shall have left the county, a demand may be made of any one having charge of the books or papers belonging to said office, who shall surrender them up, and on oath if required.

Penalty for re-
fusal.

§ 8. If any such preceding county treasurer, or in case of his death, if his executors or administrators shall refuse or neglect to deliver such books, papers and moneys, upon oath, when lawfully required or demanded, every such person shall forfeit, for the use of the county, the sum of one thousand dollars.

Treasurer's fees.

§ 9. The county treasurer shall be allowed two per cent. on the amount of state tax received and paid over into the state treasury, and shall be allowed one per cent. for receiving the county and town tax, and one per cent. for laying out the same: *Provided*, that he shall not be allowed any commission for paying over to a successor.

To be prosecu-
ted for failure
to pay over.

§ 10. Whenever any county treasurer shall fail or refuse to pay over the county revenue, the board of supervisors shall cause suit to be prosecuted on his bond, and the auditor shall have the same power to prosecute suit against the county treasurers, on the copy of their bonds, as is allowed by law for prosecuting suits against county collectors.

Moneys recover-
ed, how appro-
priated.

§ 11. All moneys recovered in any such action shall be paid or appropriated for the uses contemplated or directed by law.

ARTICLE EIGHTEENTH.

Of the plan by which property is to be assessed.

Assessment,
where to be
made.

§ 1. Every person shall be assessed in the town or district where he resides, for all the lands then owned by him within such town or district.

Owner or occu-
pant.

§ 2. Land owned by a person residing in a town or district where the same is situated, but occupied by another person, may be assessed in the name of the owner or occupant, at the election of the assessor.

Non-residents.

§ 3. All lands owned by any person which are not situated in the town or district where such owner may reside, shall be taxed as non-resident, and assessed as hereinafter provided for.

Personal prop-
erty.

§ 4. Every person shall be assessed in the town or district where he resides when the assessment is made, for all

personal estate owned by him, including all such personal estate in his possession or under his control as trustee, guardian, executor or administrator, and in no case shall property held under either of these trusts be assessed against any other person.

§ 5. The real estate of all incorporated companies, liable to taxation, shall be assessed in the town or district in which the same shall lie, in the same manner as real estate of individuals. All the capital stock of every incorporated company, liable to taxation, shall be assessed in the town or district where the principal office of said company is located or business transacted. In the case of toll-bridges, the company owning such bridge shall be assessed in the town or district in which the tolls are collected. In the case of a stage company, the horses and stages shall be taxed in the town or district where they are usually kept. Corporations.

ARTICLE NINETEENTH.

§ 1. It shall be the duty of the clerk of the county court, in each and every county where they have organized into townships, to procure or prepare, in conformity with the instructions with which he may from time to time be furnished by the auditor of public accounts, blanks or books, properly ruled and with suitable heading, for the use of the assessors of the several towns or districts in his county, a suitable number of which shall always be ready for the assessors throughout the county, and each assessor shall call for the same on or before the first day of May in each and every year. The expense of procuring the same shall be audited by the board of supervisors, and paid out of the county treasury. He shall also furnish each assessor with a list of all taxable lands within their respective towns or districts as have not been heretofore furnished. ass' books
List of taxable property.

§ 2. Between the first day of May and July in each year, the assessor shall proceed to ascertain, by diligent inquiry, the name of all the taxable inhabitants in their respective towns or districts, and also the taxable property, real or personal, within the same. Time of assessments.

§ 3. They shall set down, in the separate columns, as headed for each article of taxable property, according to their best information and judgment, in accordance with the revenue laws of this state. How made.

§ 4. When a person is assessed as trustee, guardian, executor or administrator, he shall be assessed as such, with the addition of his name to his representative character. Trustee, guardian, &c.

§ 5. The assessor shall complete the assessment rolls on or before the first day of August in each year, and shall forthwith cause notices thereof to be posted up in three or more of the most public places in the town, ward or district. When completed.

Notices.

§ 6. Such notices shall set forth the time and place where he will meet with the town clerk and supervisor of the town, to correct the roll; which time of meeting shall not be less than ten days from completing the assessments, nor more than fifteen days from the time of such completion.

Review of assessment.

§ 7. The assessor, town clerk and supervisor shall attend at the time and place specified in the notice, and on the application of any person conceiving himself aggrieved, they shall review the assessment, and when the person objecting thereto shall make an affidavit that the value of his personal estate does not exceed a certain sum specified in such affidavit, the assessor shall reduce the assessment to the sum specified in such affidavit, and if he or any other one objects to the valuation put upon any of their real estate, the board shall hear the objections, and may reduce the same, if a majority of the board think it advisable, and in such case the assessor shall correct his list.

Oath.

§ 8. The oath required by the preceding section may be administered by the assessor, town clerk or supervisor.

Certificate of assessor.

§ 9. After the assessment is corrected according to the provisions of section seven of this article, the assessor shall sign the assessment roll, and shall sign and attach thereto a certificate in the following form:

I do certify that I have set down in the above assessment roll, as corrected, all the real estate situated in the (town or district, as the case may be,) according to my best information, and that I have estimated the value of the real estate at the sum which I have deemed to be the true value thereof; and also that the said assessment rolls contain, as corrected, a true statement of the aggregate amount of taxable personal estate of each and every person named in the said roll, excluding such stocks as are otherwise taxable, and that, with the exception of those cases in which the value of such personal estate has been sworn to by the owner or possessor, I have estimated the same according to my best information and belief.

Instructions and forms.

§ 10. The assessors, in the execution of their duties, shall use the forms and pursue the instructions which shall from time to time be transmitted to them by the auditor of public accounts, or furnished them by the county clerks.

Manner of assessment.

§ 11. In assessing the lands and town lots in any town or district, the assessor shall list the same in numerical order, placing each separate section, and, as far as practicable, each government subdivision of a section by itself, and shall return the assessment roll, certified, to the clerk of the county court, on or before the first day of September in each year.

Time of return.

§ 12. The clerk, upon the receipt of the several assessment rolls, shall carefully compare the same with the list of taxable land on file in his office, correcting all errors which he may discover, and add to the roll of the proper town the name of the purchaser, and the description of all such lands as have been omitted by the assessor which are liable to taxation. He shall then make a fair copy of the several assessment rolls; which copy, together with the original, shall be laid before the board of supervisors, at their annual meeting in each year; for which service said clerk shall be allowed a sum not exceeding two cents for each tract of land, and one cent on each town lot contained in said rolls, and where the real estate and personal property are separate, one half cent for each person's name and valuation of personal property contained in said rolls. Duty of clerk.

§ 13. If any assessor shall wilfully refuse or neglect to perform any of the duties required of him by this act, he shall forfeit to the people of this state the sum of fifty dollars, and be liable for all damages sustained by any such refusal or neglect. Penalty for neglect of assessor.

ARTICLE TWENTIETH.

Of the equalization of assessments and the correction of the assessment rolls.—Examination of rolls.

§ 1. The board of supervisors of each county in this state, at their annual meeting, shall examine the assessment rolls of the several towns in their county, for the purpose of ascertaining whether the valuations in one town or district bear just relation to all the towns and districts in the county, and they may increase or diminish the aggregate valuation of real estate in any town or district, by adding or deducting such sum upon the hundred as may, in their opinion, be necessary to produce a just relation between all the valuations of real estate in the county, but they shall, in no instance, reduce the aggregate valuations of all the towns and districts below the aggregate valuation thereof as made by the assessor. They may make such alterations in the descriptions of the lands of non-residents as they shall deem necessary, and they shall assess the value of all such lands as have been omitted by the assessor and listed by the clerk, and cause the same to be placed opposite the description of said lands in a column prepared for that purpose. Equalization of assessments.

§ They shall, at their annual meeting, fix upon a certain rate upon the hundred dollars to be levied upon the taxable property, both real and personal, in their respective counties, for county purposes, which they shall cause to be entered upon their record, and they shall, at the same time, also enter upon their record the amount to be collected in Rate of county and town assessments.

each town in their respective counties for town purposes. They shall carefully compare the copy made by the county clerk with the original assessment roll, and when so compared and corrected they shall cause the taxes to be extended on the copy. They shall also cause to be indorsed on the original assessment roll the amount per cent. levied on each one hundred dollars' worth of valuation as taxes thereon, under the hand of their chairman, attested by the clerk and seal of the county court; which roll shall remain in the county clerk's office until the month of March next thereafter. The town clerks shall call on the county clerk during the month of March in each year, for the original assessment rolls of the previous year of their respective towns; which rolls they shall file in their respective offices for the use of the town.

Separate valuations.

§ 3. They shall cause to be estimated and set down, in a separate column to be prepared for that purpose in the copied assessment roll, opposite the several sums set down as the valuations of real and personal estate, the respective sums in dollars and cents, rejecting the fractions of a cent, to be paid as a tax thereon.

Aggregate valuations.

§ 4. They shall also cause to be added up and set down, the aggregate valuation of the real and personal estate in the several towns and districts, as corrected by them, and the county clerk shall transmit to the auditor of public accounts, by mail, a certificate of such aggregate valuation, showing separately the aggregate valuation of real and personal estate, and the amount of state and county tax.

Assessment roll, when delivered to collector.

§ 5. The board of supervisors shall cause the copied and corrected assessment roll of each town or district in their respective counties, with the taxes extended thereon, to be delivered to the collector of such town or district, on or before the fifteenth day of November in each year.

Warrant to be attached to said roll.

§ 6. To each assessment roll so delivered to a collector, a warrant, under the hand and seal of the chairman of the board of supervisors, attested by the county clerk and seal of the county court, shall be annexed, commanding such collector to collect from the several persons named in the assessment roll the several sums mentioned in the last column of such roll, opposite their respective names. The warrant directed to the collector of a town shall direct the collector, out of the moneys to be collected, after deducting the compensation to which he may legally be entitled, to pay over to the commissioners of highways the amount of tax collected for the support of highways and bridges, and to the supervisor of the town all other moneys which shall have been collected therein, to defray any other town expenses; to the township treasurers the school fund tax, and to the county treasurer the state and county tax collected by them. The county treasurer shall pay over to the prop-

Its tenor.

er officers the amount of tax collected by them on the delinquent real estate.

§ 7. In all cases the warrant shall authorize the collector, in case any person named in such assessment roll shall neglect or refuse to pay his tax, to levy the same by distress and sale of the goods and chattels of such person, and it shall require all payment therein specified to be made by such collector on or before the fifteenth day of February next ensuing.

Authority to distress, &c.

§ 8. The chairman of the board of supervisors and county clerk, as soon as the assessment rolls have been delivered to the several collectors, with such warrants annexed, shall transmit, under their hands and seals of the county court, to the treasurer of the county, an account thereof, stating the names of the several collectors, the amount of money they are respectively to collect, the purposes for which the same are to be collected, and the persons to whom and the time when the same are to be paid; and the county treasurer, on receiving such accounts, shall charge to each collector the sums to be collected by him.

Account of assessment rolls to be delivered to treasurer.

ARTICLE TWENTY-FIRST.

Of the manner in which taxes are to be collected, and the duties of the collector.—Collector—mode of collection.

§ 1. Every collector, upon receiving the tax list and warrant, shall proceed to collect the taxes therein mentioned, and for that purpose shall call at least once on the person taxed, or at his or her place of residence, if in the town or district for which such collector has been chosen, and shall demand payment of the taxes charged to him on his property.

Duty of collector

In case of refusal to pay.

§ 2. In case any person shall refuse or neglect to pay the tax imposed on him, the collector shall levy the same by distress and sale of the goods and chattels of the person who ought to pay the same.

Distress

Notice.

§ 3. The collector shall give public notice of the time and place of sale, and of the property to be sold, at least six days previous to the sale, by advertisement, to be posted up in at least three public places in the town where such sale is to be made. The sale shall be by public auction.

Notice of sale.

Surplus.

§ 4. If the property distrained shall be sold for more than the amount of the taxes, the surplus shall be returned

Surplus

to the person in whose possession such property was when the distress was made, if no claim be made to such surplus by any other person. If any other person shall claim such surplus, on the ground that the property sold belonged to him, and such claim be admitted by the person for whose tax the same was distrained, the surplus shall be paid to such owner.

Proceedings in case of removal § 5. In case any person upon whom any tax shall be assessed, under the provisions of this act, in any city or town of this state, shall have removed out of such city or town after such assessment, and before such tax, which now is or hereafter may be assessed, in any district of any city or in any town, upon the estate of such person situated out of the city or town in which he shall reside, and within the county, it shall be lawful, in either of those cases, for the collector of said city or town to levy and collect such tax of the goods and chattels of the person assessed, in any district within said cities, or in any town within the said county to which such such person shall have removed, or in which he shall reside.

Collector, when to pay over. § 6. Every collector shall pay over, within one week after the time mentioned in his warrant for paying the moneys directed to be paid to the town officers of his town and to the county treasurer, the sums required in such warrant to be paid to them respectively, first retaining the compensation to which he may be legally entitled. The town officers to whom any such moneys shall be paid, shall deliver to the collector duplicate receipts therefor, one of which shall be filed by the collector with the county treasurer, for the amount therein stated to have been received, and no other evidence of such payment shall be received by the county treasurer.

Surplus, how disposed of. § 7. Whenever any greater amount of taxes shall be assessed in any town than the town charges thereof, and its proportion of the tax and county charges, the surplus shall be paid by the collector to the supervisor of the town, who shall hold the same until wanted by the town to pay any town expenses.

Collector to receive tax on part of lot or tract. Proviso. § 8. The collectors shall receive on the part of any lot, piece or parcel of land charged with taxes: *Provided*, the persons paying such tax shall furnish a particular specification of the part, and if the tax on the remainder of such lot or parcel of land shall remain unpaid, the collector shall enter such specification in his return to the county treasurer, to the end that the part on which the tax remains unpaid may be clearly known.

Part payment on fractional lots. § 9. If any part on which the tax shall be so paid be an undivided share, then the person paying the same shall state to the collector who is the owner of such share, then it may be excepted in case of a sale for the tax on the remainder,

and the collector shall enter the name of such owner on his account of arrears of taxes.

§ 10. If any of the taxes entered in his tax bill annexed in his warrant shall remain unpaid, and the collector shall not be able to collect the same in the time required by his warrant, he shall then deliver to the county treasurer his tax book, and a list containing a description of such taxes due and unpaid, and shall make oath before the county treasurer, or, in case of his absence, before any justice of the peace, that the sums mentioned in said list remains unpaid, and that he has not, upon diligent inquiry, been able to discover any goods or chattels belonging to or in the possession of the person so charged with or liable to pay such sums whereon he could levy the same, he shall be credited by the county treasurer the amount thereof, and the county treasurer shall give the collector a receipt for the same. Delinquent list.

§ 11. If any person, chosen or appointed to the office of collector of any town, district or city in this state, shall refuse to serve, or shall die, resign, or remove out of the town, district or city, or the office becomes vacated in any other way, before he shall have entered upon or completed the duties of his office, or shall in any way be disabled from completing the same, the supervisor and justices of such town or district, or any two of them, shall forthwith appoint a collector for the remainder of the year, who shall give the like security, and be subject to the like penalties, and have the same powers and compensation as the collector in whose place he was appointed, and the supervisor or town clerk shall forthwith give notice of such appointment to the county treasurer. But such appointment shall not exonerate the former collector or his sureties from any liability incurred by him or them. Vacancies, how filled.

§ 12. If a warrant shall have been issued as by law provided, prior to any appointment under the last section, the original warrant, if the same can be obtained, shall be delivered to the collector so appointed, and shall be considered as giving him the same powers as if originally issued to him. But if such warrant cannot be obtained, a new one shall be made out by the clerk of the board of supervisors of the county, and shall be signed by the chairman of the board of supervisors, in the same way and manner as the original was, which shall be directed to the collector so appointed, and upon every such appointment the supervisor of the town or district, if he shall think it necessary, may extend the time limited for the collection of the taxes, for a period not exceeding thirty days; of which extension he shall forthwith give notice to the county treasurer. The collector so appointed shall keep an account of all collections made by the former collector, so far as he can ascertain the same, and when any one shall present a receipt for Warrant, &c.

taxes paid to the former collector, he shall mark against the amount of taxes so paid, to whom paid, and the time when paid.

Neglect of Collector to pay over money.

Neglect of collector to pay over money. § 13. If any collector shall refuse or neglect to pay to the several town officers of his town, or to the county treasurer, the sums required by his warrant to be paid to them respectively, or either of them, or to account for the same as unpaid, the county treasurer shall, within twenty days after the time when such payments ought to have been made, issue a warrant, under his hand and seal, directed to the sheriff of the county, commanding him to levy such sums as shall remain unpaid and unaccounted for by such collector, of the goods and chattels, lands and tenements of such collector, and to pay the same to the county treasurer, and to return such warrant within forty days after the date thereof; which warrant the county treasurer shall immediately deliver to the sheriff of the county. But no such warrant shall be issued by the county treasurer, for the collection of moneys payable to town officers, without proof, by the oath of such town officers, of the refusal or neglect of the collector to pay the same, or account therefor as above provided.

Duty of Sheriff.

Sheriff to execute warrant. § 14. The sheriff to whom such warrant is directed shall immediately cause the same to be executed, and shall make return thereof to the county treasurer, within the time specified, and shall pay to him the money received by virtue thereof, deducting from his fees the same compensation that the collector would have been entitled to retain. Such part of the moneys, if any, as ought to have been paid by the collector to the town officers, shall be paid by the county treasurer to the officers to whom the collector was directed to pay the same; but if the whole amount of moneys due from the collector shall not be collected in such warrant, the county treasurer shall first retain the amount which ought to have been paid him, before making any payment to the town officers.

In case the whole or part of money is paid.

When whole or part of money is paid. § 15. If the whole sum due from the said collector shall be collected, the sheriff shall so state in his return, but if part only, or if no part of such sum shall be collected, the sheriff shall note in his return the amount levied, if any, exclusive of his fees, and shall also certify that such collector has no goods or chattels, land or tenements in his county,

from which the moneys or the residue thereof, as the case may be, could be levied, and in either case the county treasurer shall forthwith give notice to the supervisor of the town or district of the amount due from such collector.

Bond to be sued.

§ 16. The supervisor shall forthwith cause the bond of such collector to be put in suit, and shall be entitled to recover thereon the sum due from such collector, with costs of suit, and the moneys recovered shall be applied and paid to the supervisor, in the same manner in which it was the duty of the collector to have applied and paid the same. Suit on bond.

§ 17. If any sheriff shall neglect to return any such warrant, or to pay the money levied thereon, within the time limited for the return of said warrant, or shall make any other return than such as is above mentioned, the county treasurer shall forthwith proceed to collect the whole sum directed to be levied by such warrant, by a proper suit thereof, [therefor,] and he may proceed in the first instance by a writ of attachment against the goods and chattels, lands and tenements, rights and credits, of such sheriff, and the same proceeding may be had thereon, in the proper court, as is now provided by law in ordinary cases of attachment. Failure of sheriff.

§ 18. In case the county treasurer shall fail to collect such moneys by attachment or suit, as is provided for in the next preceding section hereof, he shall certify to the auditor of public accounts that he has issued such warrant, stating its contents, that the sheriff has neglected to return the same in the manner required by law, or to pay the money levied thereon, as the case may be, and that he has pursued the remedy, by attachment or suit, without effect. Failure of treasurer.

§ 19. The auditor of public accounts shall give notice thereof to the attorney general, or any one acting as such, who shall immediately prosecute such sheriff and his sureties for the sum due on such warrant; which sum, when collected, shall be paid to the treasurer of this state, and by him, on the warrant of the auditor of public accounts, to the county treasurer, the county part thereof: *Provided*, that any such proceeding may be had under the general laws of this state. Auditor to give notice.

§ 20. Upon the settlement of the amount of taxes directed to be collected by any collector, in any of the towns or cities in this state, the county treasurer shall, if requested, give to such collector, or any of his sureties, a satisfaction piece in writing, and shall acknowledge the same before some person authorized to take acknowledgments of deeds. Receipt and discharge by treasurer.

§ 21. Upon the production of such satisfaction piece, acknowledged as aforesaid, the recorder of the county shall Satisfaction to be entered.

enter satisfaction of record of the collector's bond, which shall be discharged.

Fees.

§ 22. The officer taking and returning such acknowledgment, shall be entitled to the same fees as for taking and entering acknowledgments of satisfaction of a deed or mortgage.

Collector's fees.

§ 23. The collector of any town shall be entitled to three per cent. on all moneys collected by him, as his compensation.

ARTICLE TWENTY-SECOND.

Of Roads, Highways and Bridges.

Commissioners
of highways.

§ 1. The commissioners of highways in the several towns in this state, shall have the care and superintendence of highways and bridges therein; and it shall be their duty—

Powers and duties.

1st. To give directions for the repairing of the roads and bridges in their respective towns.

2d. To regulate the roads already laid out, and to alter such of them as they or a majority of them shall deem proper, as hereinafter provided.

3d. To cause such roads used as highways as have been laid out but not sufficiently described, and such as have been used for twenty years, but not recorded, to be ascertained, described and entered of record in the town clerk's office.

4th. To cause the highways and the bridges, which are or may be erected over streams intersecting highways, to be kept in repair.

5th. To divide their respective towns into so many road districts as they shall deem convenient, by writing, under their hands, to be lodged with the town clerk, and by him to be entered in the town book. Such division to be made annually, if they shall think it necessary, and in all cases to be made at least ten days before the annual town meeting.

6th. To assign to each of the said road districts, such of the inhabitants liable to work on highways as they shall think proper, having regard to proximity of residence as much as shall be; and,

7th. To require the overseers of highways, from time to time, and as often as they shall deem necessary, to warn all persons to work on highways, to come and work thereon, with such implements, carriages, sleds, cattle or teams as the said commissioners, or any one of them, shall direct.

Acco't to board
of auditors.

§ 2. The commissioners of highways of each town shall render to the board of town auditors, at their annual meeting for auditing the accounts of town officers, an account in writing, stating—

1st. The labor assessed and performed in such town.
 2d. The sums received by such commissioners for fines and commutations, and all other moneys received under this act.

3d. A statement of the improvements necessary to be made on such roads and bridges, and an estimate of the probable expense of making such improvements, beyond what the labor to be assessed in that year and the road tax will accomplish.

4th. Also, a statement in writing of all expenses and damages in consequence of laying out, altering or discontinuing roads.

§ 3. It shall be the duty of the commissioners of high-Guide-boards. ways of each town to cause suitable guide-boards to be put up at such places as they may deem necessary.

§ 4. It shall be the duty of the overseers of highways Duty of overseers of highways defined. in each town—

1st. To repair and keep in order the highways within their several districts for which they shall have been elected.

2d. To warn all persons from whom road labor is due to work on the highways, at such times and places, within their several districts, as they may think proper.

3d. To collect all fines and commutation money, and to execute all lawful orders of the commissioners of highways.

4th. To deliver to the clerk of the town, within sixteen days after their election or appointment, a list subscribed by such overseer, of the names of all the inhabitants in his road district who are liable to work on the highways.

Implements.

§ 5. The commissioners of highways, whenever they shall think it necessary, may direct and empower any overseer of highways in their respective towns, to procure a good and sufficient iron or steel shod scraper and plough, or either of them, for the uses of his road district, to be paid for by moneys arising from commutation and fine within the district. Tools to be procured.

Vacancy.

§ 6. If any person, chosen or appointed to the office of overseer of highways, shall refuse to serve, or if his office shall become vacant, the commissioners of highways of the town shall, by warrant under their hands, appoint some other person in his stead, and the overseer so appointed shall have the same powers, be subject to the same orders, and liable to the same penalties as overseers chosen at the town meeting. Vacancies, how filled.

Warrant of appointment.

- Warrant to be filed.** § 7. The commissioners making the appointment shall cause such warrant to be forthwith filed in the office of the town clerk, who shall give notice to the person appointed, as in other cases.
- Penalty for neglect.** § 8. Every overseer of highways who shall refuse or neglect to perform any of the duties of this act, or which may be lawfully enjoined on him by the commissioners of highways of his town, and for the omission of which a penalty is hereinafter provided, shall, for every such refusal or neglect, forfeit the sum of ten dollars, to be sued for by the commissioners of highways of the town, and when recovered to be applied by them in making and improving the roads and bridges therein.
- Meeting of commissioners.** § 9. The commissioners of highways of each town shall meet within eighteen days after they shall be chosen, at the town clerk's office, on such day as they shall agree upon, and afterwards at such other times and places as they shall think proper.
- Lists to be delivered to commissioners.** § 10. The town clerk shall deliver the lists filed by the overseers to the commissioners of highways of the town, who shall proceed to ascertain, estimate and assess the highway labor and road tax to be performed and paid in their town the next ensuing year.
- Persons liable to perform road labor.** § 11. 1st. Every male inhabitant, being above the age of twenty-one years and under the age of fifty, (excepting paupers, idiots, lunatics and such others as are exempt by law,) shall be assessed at least two days in each and every year.
- Real estate to be taxed.** 2d. The commissioners of highways shall assess a road tax on all real estate liable to taxation of the town, to any amount they may deem necessary, not exceeding twenty cents on each one hundred dollars' worth, as valued on the assessment roll of the previous year.
- Assessment list.** 3d. They shall affix to the name of each person named in the lists so furnished by the overseers, the number of days assessed to each person for highway labor, and also a description of each tract of land, and the name of the owner, if known, with the valuation thereof, as taken from the assessment roll of the previous year, and the amount of road tax assessed thereon, in a separate column. The lists so prepared shall be subscribed by the commissioners and deposited with the town clerk, to be filed in his office.
- Copy of list.** § 12. The commissioners shall direct the clerk of the town to make a copy of each list, and shall subscribe such copies; after which they shall cause the several copies to be delivered to the respective overseers of highways of the several districts in which the highway labor is assessed, one

copy for each overseer shall contain the name and number of days assessed to each person, the other the land road tax.

§ 13. The names of persons left out of any such list, and of new inhabitants, shall from time to time be added to the several lists, and they shall be rated by the overseers in the same proportion, to work on the highways, as others rated by the commissioners on such list, subject to an appeal to the commissioners.

Names of persons omitted.

§ 14. It shall be the duty of the commissioners of highways of each town, to credit such persons as live on private roads and work the same, so much on account of their assessment as such commissioners shall deem necessary to work such private road, or to annex such private road to some of the highway districts.

Credit for work on private roads.

§ 15. The town clerk shall, within ten days after the commissioners of highways have filed in his office the amount of road tax assessed on the real estate of the town, post a notice on the outer door of the house where the town meeting was last held, stating the amount of road tax assessed on each one hundred dollars' worth of the real estate of the town, and that all persons interested can pay the same in labor on the highways, under the direction of the overseers of highways in the districts where the land is situated.

Notices to be posted.

ARTICLE TWENTY-THIRD.

§ 1. It shall be the duty of overseers of highways to give at least three days' notice to all persons assessed to work on the highways, and residing within the limits of their respective districts, of the time and place when and where they are to appear for that purpose, and with what implements; but no person being a resident of the town shall be required to work on any highway other than in the district in which he resides, except he resides in a district on a town line, which district belongs to an opposite town, and unless he shall elect to work in some district where he has any land; and in such case he may, with the approbation of the commissioners of highways, apply the work assessed in respect to such land in the district in which the same is situated.

Notice to persons liable to work on road.

§ 2. Every person liable to work on the highways shall work the whole number of days for which he shall have been assessed, but every such person, other than an overseer of highways, may elect to commute for the same, or for some part thereof, at the rate of seventy-five cents per day; in which case such commutation money shall be paid to the overseer of highways of the district in which the person commuting shall reside, to be applied and expended by such overseer in the improvement of the roads and bridges in the same district.

Commutation of road labor.

Payment of
commutation
money.

§ 3. Every person intending to commute for his assessment, or any part thereof, shall, within twenty-four hours after he shall be notified to appear and work on the highways, pay the commutation money for the work required of him by such notice, and the commutation shall not be considered as complete until such money be paid.

Teams, &c, may
be required.

§ 4. Every overseer of highways shall have power to require a team or a cart, wagon or plough, with a pair of horses or oxen, and a man to manage them, from any person having the same within his district, who shall have been assessed two days or more, and who shall not have commuted for his assessment, and the person furnishing the same upon such requisition shall be entitled to a credit of two days for each day's service therewith.

Substitutes.

§ 5. Every person assessed to work on the highways and warned to work, may appear in person or by an able-bodied man as a substitute, and the person or substitute so appearing shall actually work eight hours in each day, under a penalty of twelve and a half cents for every hour such person or substitute shall be in default, to be imposed as a fine on the person assessed.

Eight hours to
constituted day's
work.

Penalty for idleness.

§ 6. If any such person or his substitute shall, after appearing, remain idle or not work faithfully, or hinder others from working, such offender shall, for ever offence, forfeit the sum of one dollar.

Penalty for neglect or refusal
to work.

§ 7. Every person so assessed and duly notified, who shall not commute, and who shall refuse or neglect to appear as above provided, shall forfeit for every day's refusal or neglect the sum of one dollar. If he was required to furnish a team, carriage, man or implements, and shall refuse or neglect to comply, he shall be fined as follows:

1st. For wholly omitting to comply with such requisition, three dollars for each day.

2d. For omitting to furnish a cart, wagon or plough, one dollar for each day.

3d. For omitting to furnish a pair of horses or oxen, one dollar for each day.

4th. For omitting to furnish a man to manage the team, one dollar for each day.

Complaint for
neglect or refusal.

§ 8. It shall be the duty of every overseer of highways, within six days after any person so assessed and notified shall be guilty of any refusal or neglect, for which a penalty or fine is prescribed in this act, unless a satisfactory excuse shall be rendered to him for such refusal or neglect, to make complaint, on oath, to one of the justices of the peace of the town.

Justice to issue
summons.

§ 9. The justice to whom such complaint shall be made, shall forthwith issue a summons, directed to any constable of the town, requiring him to summon such delinquent to appear forthwith before such justice, at some place, to be

specified in the summons, to show cause why he should not be fined according to law, for such refusal or neglect; which summons shall be served personally, or by leaving a copy at his personal abode. How served.

§ 10. If, upon the return of such summons, no sufficient cause shall be shown to the contrary, the justice shall impose fine as is provided in this act for the offence complained of, and shall forthwith issue a warrant, under his hand and seal, directed to any constable of the town where such delinquent shall reside, commanding him to levy such fine, with the costs of proceedings, of the goods and chattels of such delinquent. Proceedings on return of summons.

§ 11. The constable to whom such warrant shall be directed, shall forthwith collect the moneys therein mentioned. He shall pay the fine, when collected, to the justice of the peace who issued the warrant, who is hereby required to pay the same to the overseer who entered the complaint, to be by him expended in improving the roads and bridges in the district of which he is overseer. Duty of constable.

§ 12. Every penalty collected for refusal or neglect to appear and work on the highways, shall be set off against his assessment upon which it was founded, estimating every dollar collected as a satisfaction for one day's work. Penalty, how applied.

§ 13. The acceptance by an overseer of any excuse for refusal or neglect, shall not, in any case, exempt the person excused from commuting for or working the whole number of days for which he shall have been assessed during the year. Acceptance of excuse, not to release duty of road labor.

§ 14. Each and every overseer of highways shall be entitled to one dollar per day, to be paid out of fines and commutation money, for every day he is necessarily employed in the execution of his duties as overseer, beyond the amount of his own highway labor and road tax—the number of days to be accounted to and audited by the commissioners of highways: *Provided*, that when there is no funds from fines and commutations, the commissioners may pay the overseers out of other funds in their hands, if they think proper. Compensation of overseers.

§ 15. It shall be the duty of the overseer of highways to warn all residents of his district, against whom a land road tax is assessed, giving them three days' notice to work out the same upon the highways, and he shall receive such tax in labor from every able-bodied man, or his substitute, at the rate of seventy-five cents per day, and any person or his agent may pay such tax in road labor at the rate of seventy-five cents per day, or in that proportion, for a less amount: *Provided*, that any person may elect to pay such tax to the overseer in money. Proviso.

§ 16. It shall be the duty of the overseer of highways, when such land tax has been paid, either in money or labor, Road tax on land, may be paid in labor.

to write the word "paid," distinctly, against each name or tract on his list on which the same has been paid.

Return of overseers.

§ 17. Every overseer of highways shall deliver to the supervisor of his town, at least five days previous to the annual meeting of the board of supervisors, the list furnished by the commissioners of highways, containing the land road tax, with an affidavit thereon, sworn to before some justice of the peace of said town, that on all tracts of land on such list, opposite which the word "paid" is not written, such tax is due and remains unpaid, according to the best of his belief and knowledge.

Penalty for neglect.

§ 18. If any overseer shall refuse or neglect such list to the supervisor, as provided in the last preceding section, or shall neglect or refuse to make the affidavit as therein directed, he shall, for every such offence, forfeit the sum of five dollars, and also the amount of tax or taxes remaining unpaid, to be recovered by the commissioners of highways of the town, and to be applied by them in improving the roads and bridges of such town.

Duty of supervisors severally.

§ 19. It shall be the duty of the supervisors of the several towns to receive the list of the overseers of highways when delivered pursuant to the preceding section, and to lay the same before the supervisors of the county.

Duty of board of supervisors.

§ 20. It shall be the duty of the board of supervisors to cause the amount of such arrearages of road tax to be levied on the lands so returned, and to be collected in the same manner that the contingent charges of the county are levied and collected, and to order the same when collected to be paid over to the commissioners of highways of the towns, to be by them applied to the construction of roads and bridges.

Road labor, when to be done.

§ 21. It shall be the duty of every overseer of highways, to have at least three fourths of the road labor assessed in his district worked out or actually expended on the highways previous to the first day of October in every year.

Assessor to make return.

§ 22. Every overseer of highways shall, on the second Tuesday next preceding the time of holding the annual town meeting in his town, within the year for which he is elected or appointed, render to one of the commissioners of highways of the town an account in writing, containing—

Form and order of List.

Nature of returns.

1st. The names of all persons assessed to work on the highways in the district of which he is overseer.

2d. The names of all those who have actually worked on the highways, with the number of days they have actually worked.

3d. The names of all those who have been fined, and the sums in which they have been fined.

4th. The names of all those who have commuted, and the manner in which the moneys arising from fines and commutations have been expended by him.

5th. The amount of uncollected road tax which he has returned to supervisor of the town, as required in section 17 of this article.

Pay over money.

§ 23. Every such overseer shall, also, then and there pay to the commissioners all moneys remaining in his hands unexpended, to be applied by the commissioners in making and improving the roads and bridges in the town, in such manner as they shall direct. Overseer to pay over money.

In case of refusal, &c.

§ 24. If any overseer shall refuse or neglect to render such account, or if having rendered the same he shall refuse or neglect to pay any balance which may then be due from him, he shall, for every such offence, forfeit the sum of five dollars, to be recovered, with the balance of the moneys remaining in his hands, by the commissioner of highways of the town, and to be applied in making and improving the roads and bridges. It shall be the duty of the commissioners to prosecute for such penalty, in every instance in which no return is made. Penalty for refusal or neglect.

ARTICLE TWENTY-FOURTH.

§ 1. The commissioners of highways may alter or discontinue any road, or lay out any new road, when petitioned by any number of legal voters, not less than twelve, residing within three miles of the road so to be altered, discontinued or laid out. Said petition shall set forth in writing a description of the road, and what part thereof is to be altered or discontinued; and if for a new road, the names of the owners of lands, if known, over which the road is to pass, the point at which it is to commence, its general course, and the place at or near where it is to terminate. Alteration or discontinuance of roads.

§ 2. Whenever any number of legal voters determine to petition the commissioners of highways for the alteration or discontinuance of any road, or laying out of any new road, they shall cause a copy of their petition to be posted up in three of the most public places in the town, twenty days before any action shall be had in reference to said petition. Copy of notices to be posted.

§ 3. Whenever the commissioners of highways shall receive a petition in compliance with the two preceding sec- Proceedings of commissioners.

tions, they shall, or a majority of them, within ten days after the expiration of the twenty days required in section two of this article, personally examine the proposed alteration, discontinuance or route for the new road proposed to be laid out, and shall hear any reasons that may be offered for or against altering, discontinuing or laying out the same. If they shall be of opinion that such alteration, discontinuance or laying out shall be necessary and proper, and that the public interest will be promoted thereby, they shall grant the prayer of the petitioners as hereinafter provided.

Survey.

§ 4. Whenever the commissioners of highways shall determine to lay out any new road, or alter any old one, they shall cause a survey to be made by a competent surveyor, who shall make a report to them of such survey, accompanied with a plat, particularly describing the route by metes and bounds, courses and distances, and also the lands over which such road passes. They shall incorporate such report and survey, accompanied with the plat, in an order, to be signed by them, declaring such road so altered or laid out to be a public highway; which order, together with the petition, shall be deposited with the town clerk, who shall note the time of filing the same. In case the commissioners shall determine not to alter, discontinue or lay out any roads in accordance with any petition to them presented, they shall note the fact on the back of said petition, and deposit it with the town clerk, who shall note the time of filing the same.

Duty of town clerk.

§ 5. It shall be the duty of the town clerk, whenever any order of the commissioners for laying out, altering or discontinuing a road shall be received by him, to carefully file the same, and the time hereinafter limited for appealing from such order shall be computed from the time of filing the same, but the town clerk shall not record such order until a final decision is made, and not then unless such order is confirmed.

Damages.

§ 6. The damages sustained by reason of the laying out, or opening, or altering any road may be ascertained by the agreement of the owners and the commissioners of highways, and unless such agreement be made or the owners of the land shall, in writing, release all claims to damages, the same shall be assessed in the manner hereinafter prescribed, before such road shall be opened, or worked, or used. Every agreement and release shall be filed in the town clerk's office, and shall forever preclude such owners of such lands from all further claim for such damages. In case the commissioners and owners of land claiming damages cannot agree, it shall be the duty of the commissioners to assess the damages at what they may deem just and right to each individual claimant with which they cannot agree, and deposit a statement of the amount of damages so assessed to

each individual with the town clerk, who shall note the time of filing the same.

It shall be the duty of commissioners, in all cases of assessing damages, to estimate the advantages and benefits the new road or alteration of an old one will confer on complainants for the same, as well as the disadvantages.

§ 7. No damages shall be allowed by reason of the alteration of any old road, unless such alteration or new road passes through enclosed, cultivated or improved lands: *Damages, when not to be allowed.* *Provided,* that commissioners of highways may allow damages, when in their opinion it is absolutely necessary so to lay out a new road, either diagonally across a lot of land, or in any way so as materially to injure the same. *Proviso.*

§ 8. Any person or persons, being owners of or agents *Appeals.* for any tract of land over which any highway, altered, discontinued or laid out, shall run, feeling themselves aggrieved by any order made by the commissioners of highways, may appeal from the same at any time within thirty days after the filing of such order in the town clerk's office. Such appeal shall note the time that such order was filed, and shall be made to three supervisors of the county, neither of which shall be a resident of the town in which said highway is situated. All persons who desire to make an appeal from such order shall act in concert, and make their appeal to the same three supervisors.

§ 9. Every such appeal shall be in writing, addressed to *Mode of appeal.* the supervisors, and signed by the party or parties appealing. It shall briefly state the ground upon which it is made, and whether it is brought in relation to damages assessed by the commissioners of highways, or in relation to the alteration, discontinuance or laying out of the road, or whether it is brought to reverse entirely the determination of the commissioners, or only to reverse a part thereof; and in the latter case it shall specify what part. The appeal shall be left with one of the three supervisors, by the person or persons appealing, and such person or persons shall also leave a notice of such appeal with each of the other supervisors to whom the appeal is made.

§ 10. It shall be duty of the supervisors to whom the appeal is made, as soon as may be convenient after the expiration of thirty days from the filing of the order in the town clerk's office from which the appeal is made, to agree upon a time when and where they will meet to consider the same; which shall be at some place deemed convenient at or near the road to be examined. *Proceeding of supervisors.*

§ 11. The person or persons making the appeal shall *Notice of bearing.* cause a notice in writing, of the time and place agreed on by the three supervisors when and where they will meet, to be served on each of the commissioners of highways from whose order they appealed, and also on at least three of the

petitioners who petitioned in relation to such road ; which notices shall be served at least eight days before the time mentioned therein, by delivering one to each commissioner, or leaving one at each of their dwelling houses, and in like manner shall the notices be served on each of the three petitioners.

Trial of appeal. § 12. It shall be the duty of supervisors to convene at the time and place mentioned in the notice, and to hear the proofs and allegations of the parties. They shall have power to issue process, to compel the attendance of witnesses, and may adjourn from time to time, as may be necessary. Their decision, or that of any two of them, shall embrace the whole matter in controversy. They shall first consider the propriety and expediency of locating, altering or discontinuing the road ; secondly, the subject of damages, if such subject was embraced in the appeal under which they are acting, and they shall fix upon the amount of damages which, in their judgment, is right and just to be paid to each person claiming, but no person shall be entitled to a re-assessment of damages unless his or her name appears in the appeal in reference to that subject. The supervisors shall be governed by the same, unless in assessing damages as is provided in section 6th of this article, for the government of commissioners of highways in such case.

Compensation of supervisors. § 13. Every such supervisor shall be entitled to receive one dollar and fifty cents for every day employed in hearing and deciding such appeal, to be paid by the party appealing, where the determination of the commissioners shall be affirmed; but where it is reversed, to be charged against the town.

Appeal from decision of commissioners. § 14. Upon the refusal of the commissioners to alter, discontinue or lay out any new road petitioned for as provided in section one of this article, any one of the petitioners may appeal from such determination, in the same manner, and subject to the same provisions and restrictions, as relates to persons who feel themselves aggrieved by a determination of the commissioners to alter, discontinue or lay out a new road.

Duty of supervisors. § 15. Where an appeal shall have been made from a determination of the commissioners refusing to lay out, alter or discontinue a road, and the supervisors shall reverse such determination, such supervisors shall alter, discontinue or lay out the road applied for, as the case may be, and in doing so shall proceed in the same manner in which commissioners of highways are directed to proceed in the like cases. Such roads shall be opened by the commissioners of the town, in the same manner as if laid out by themselves.

Proceedings when supervisors cannot attend. § 16. In case any one of the supervisors to whom such application shall have been made, shall become unable to attend before the determination of such appeal, it shall be the

duty of the remaining supervisors named therein to associate with themselves another of the supervisors of the same county, who shall act with them in all subsequent proceedings, in the same manner as if he had been originally named in such appeal. In case the term of office of any supervisor shall expire before the determination of such appeal, he shall continue to act in the premises the same as if he had been re-elected.

§ 17. The amount of damages as finally settled by the three supervisors, or as agreed on by the commissioners of highways, together with all charges of officers and other persons employed in laying out, altering or discontinuing any road, shall be rendered by the commissioners of highways to the board of town auditors, with the amount of damages and charges due each individual; which accounts shall be audited by said board, certified to and deposited with the town clerk. The town clerk shall make out the aggregate amount of such damages and charges, with his certificate thereto attached, and deliver the same to the supervisor of the town, previous to the annual meeting of the board of supervisors.

Damages, how paid.

§ 18. After a final decision by any three supervisors to whom any road difficulty has been appealed, if in the opinion of the supervisor, town clerk, the justices of the peace, and the commissioners of highways, or any five of them, the damages are manifestly too high, and that in providing for the payment thereof an oppressive tax will have to be levied on the property of said town, they may petition the board of supervisors, at any meeting of said board held within six months after such decision for relief, either from the whole or a part of the damages. The board shall hear the reasons for and against granting such relief, and if a majority of them shall be of opinion that the town should be relieved from the whole amount of damages, then and in that case the opening of said road shall be postponed until the damages, or a major part thereof, are in some other way provided for than by levying a tax upon the property of the town.

Proceedings when damages are deemed too high.

§ 19. When the commissioners of highways of any town shall disagree with the commissioners of any other town of the same county, relating to the laying out of a new road, or the alteration of an old road, extending into both towns, or when the commissioners of a town in one county shall disagree with the commissioners of a town in another county, relative to the laying out of a new road, or altering an old road, which shall extend into both counties, the commissioners of both towns shall meet together, at the request of either disagreeing commissioner, and make their determination upon such subject of disagreement.

Proceedings when commissioners of different towns disagree.

§ 20. Whenever the commissioners of highways of any town receive a petition, praying the location of a new road,

Discontinuance
or alteration of
roads on town
line.

alteration or discontinuing of an old one, upon the line between two towns, such road shall be laid out, altered or discontinued by two or more of the commissioners of highways of each of said towns, either upon such line or as near thereto as the convenience of the ground will admit, and they may so vary the same, either to the one or the other side of of such line, as they may think proper.

Road districts.

§ 21. It shall be the duty of the said commissioners, when there may be such highway, to divide it into two or more road districts, in such manner that the labor and expense of opening, working and keeping in repair such highway, through each of the said districts, may be equal, as near as may be, and to allot an equal number of the said districts to each of the said towns.

Allotment of
districts.

§ 22. Each district shall be considered as wholly belonging to the town to which it shall be allotted for the purpose of opening and improving the road, and keeping it in repair, and the commissioners shall cause such highway, and the partition and allotment thereof, to be recorded in the office of town clerk, in each of their respective towns.

Allotment of
the roads.

§ 23. All highways heretofore laid out upon the line between any two towns, shall be divided, allotted, recorded and kept in repair in the manner above directed.

Time for remo-
val of fences.

§ 24. Whenever the commissioners of highways shall have laid out any public highway through any enclosed, cultivated or improved lands, in conformity with the provisions of this act, and their determination shall not have been appealed from, they shall give the owner or occupant of the land through which such road shall have been laid, sixty day's notice, in writing, to remove his fences. If such owner does not remove his fences within sixty days, the commissioners shall cause such fences to be removed, and shall direct the road to be opened and worked.

In cases of ap-
peal.

§ 25. If the determination of the commissioners shall have been appealed from, then the sixty days' notice shall be given after the decision of the supervisors upon such appeal shall have been filed in the office of the town clerk of the town.

Public roads and public highways.

Public roads.

§ 26. The public roads now existing by law are declared the public highways of the town in which they shall lay.

Private roads.

§ 27. Any person liable to be assessed for road labor, may apply to the commissioners of highways to lay out a private road, and the commissioner shall proceed to examine into the merits of such application, and be governed in their proceedings by the rules and regulations prescribed in this act, in relation to public roads. The damages as-

assed, in consequence of the laying out of such private road, shall be paid by the person applying for the same.

§ 28. Whenever the commissioners of highways shall have laid out any public highway through any enclosed, cultivated or improved lands, in conformity to the provisions of this act, and their determination shall not have been appealed from, they shall give the owner or occupant of the lands through which such road shall have been laid sixty days' notice, in writing, to remove his fences. If such owner shall not remove his fences within sixty days, the commissioner shall cause such fences to be removed, and shall direct the road to be opened and worked.

Repetition of
sec. 24.

§ 29. All public roads to be laid out by the commissioners of highways of any town shall not be less than four rods wide, and all private roads shall not be more than three rods wide.

Width of roads

§ 30. Every private road, when laid out, shall be for the use of the applicant applying for the same, his heirs and assigns, but not to be converted to any other use or purpose than that of a road.

Private roads,
their use.

§ 31. The public roads now existing by law, are declared the public highways of the town in which such roads shall lay, and this act shall not be construed as conferring any power, on commissioners of highways to alter state roads now or hereafter existing by law.

Repetition of
sec. 20.

Commissioners
to have no power
to alter state
roads.

ARTICLE TWENTY-FIFTH.

Miscellaneous Provisions.

§ 1. Each town acting under township organization shall constitute an election precinct, and the supervisor, assessor and collector shall be *ex officio* judges of elections. The supervisor, or, in case of his absence, the town clerk, shall post up notices of general elections, in like manner as is now required of sheriffs and county clerks, under the general laws of this state.

Towns to be
election pre-
cincts.

§ 2. The county judge, sitting as a county court, without associates, in counties acting under township organization, shall have the same jurisdiction of suits brought by collectors for taxes on delinquent lands and town lots as the county courts have under existing laws, and all acts of county courts, heretofore done in suits for taxes on delinquent lands and town lots, are hereby legalized.

County judge to
have jurisdic-
tion of suits
brought by col-
lectors.

§ 3. The several wards in the city of Chicago shall be entitled to elect one supervisor in each ward, in addition to the township supervisors, and the several supervisors so elected shall be members of the board of supervisors of Cook county, and shall have, possess and enjoy all the rights, powers and privileges that are now or hereafter shall be pos-

Each ward in
Chicago to elect
a supervisor.

essed and enjoyed by the several township supervisors, when voting as a county court. The election for such supervisors to be held at the same time and in the same manner as the election for township supervisors.

Question of township organization, when to be submitted to the people.

§ 4. Upon the petition of fifty legal voters of any county acting under township organization, it shall be the duty of the county clerk, upon the filing of such petition with him, to cause notices to be posted up in three of the most public places in each town of such county, at least twenty days previous to the next annual town meeting, that the question of township organization, under this act, will be voted upon. At such meeting said vote shall be taken by ballot, to be written or printed, or partly written and partly printed: "For township organization," or "Against township organization," and shall be canvassed and returned in like manner as votes for state and county officers.

Abolition of township organization.

§ 5. If it shall appear by the returns of said election, that a majority of all voters voting at such election have voted against township organization, then the county so voting shall cease to act under such organization, from and after the election and qualification of such county officers, as are provided for in such counties as have never adopted township organization.

Election of co. officers.

§ 6. At the next general election after the voters of any such county have determined against township organization, there shall be an election for all the officers required by law in counties that have never adopted township organization, except such officers as may have been previously elected, and are entitled to hold over; and notice of such election shall be given as is now provided by law.

Duty of secretary of state.

§ 7. It shall be the duty of the secretary of state to cause to be printed, immediately on the adjournment of the general assembly, three thousand copies of this act, and shall cause the same to be forwarded to the county clerks of the several counties acting under township organization, to be by them distributed amongst the several towns in said counties.

Act repealed.

§ 8. An act entitled "An act to provide for township and county organization under which any county may organize whenever a majority of voters of such county, at any general election, shall so determine," is hereby repealed, but no rights accrued or liabilities incurred under said act shall be affected hereby.

This act applicable to townships heretofore organized.

§ 9. This act shall be applicable to counties or townships heretofore organized, as fully as to those that may be organized hereafter, and take effect on the first day of April next.

APPROVED February 17, 1851.

AN ACT authorizing the county court of Vermilion county to audit the account of Hiram Hickman, ex-collector of said county. In force Feb. 11, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the county court of Vermilion county is hereby authorized and required to audit the account of Hiram Hickman, late collector of said county, and make him such allowances for errors, double assessments of property and insolvencies as may seem just and right. Account of Hiram Hickman to be audited.

§ 2. Upon an allowance being made as aforesaid, the clerk of said court, under the seal of the court shall, certify to the auditor the amount and nature of said allowance as is now required by law. Clerk shall certify to the amount and nature of allowance.

§ 3. In case the board of supervisors of said county shall organize before the said county court shall audit said account, the said board of supervisors shall audit said account, and make the allowances as aforesaid. When board of supervisors shall audit.

§ 4. This act to take effect and be in force from and after its passage, and the auditor shall furnish the clerk of said court with a copy of this act. Duty of auditor.

APPROVED February 11, 1851.

AN ACT to legalize an election therein named.

In force Feb. 11, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That an election held in the town of Pekin, in Tazewell county, on the twenty-sixth day of November, one thousand eight hundred and fifty, for the election of one justice of the peace and a collector, be and the same is hereby legalized, and James Harriott is hereby declared duly elected justice of the peace for said town and county, and shall hold his said office until the term thereof expires under the laws of this state, and until his successor shall be duly elected and qualified; and all the official acts of said justice heretofore done, or hereafter to be done, are hereby declared to be as legal and binding as if no informalities had occurred in the call made for said election; and William Standberry, jr., is hereby declared duly elected collector of said town of Pekin, and shall hold his said office until the next annual town meeting in said town, and until his successor shall be elected and qualified. Election legalized. Official acts legalized.

§ 2. The time for said collector to make his collections and returns is hereby continued until the fifteenth day of March next. Collections to be made.

§ 3. This act shall be in force from and after its passage.

APPROVED February 11, 1851.

In force Feb. 12,
1851.

AN ACT to amend the recording laws of this state.

Penalty for neglect of duty by clerks.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That any clerk of the circuit court of any county in this state, being recorder of deeds, who shall fail or neglect to perform any of the duties required to be performed by the seventh section of chapter eighty-seven of the Revised Statutes, entitled "Records and Recordors," or who shall fail or neglect to perform any of the duties required by the first section of the act amendatory of said above recited chapter, approved March 1, 1847, shall, for any such failure or neglect, forfeit and pay the sum of five dollars, with costs, recoverable by action of debt, before any justice of the peace of the proper county, in the name and for the use of any person who will sue for the same.

Re order to make indexes.

§ 2. That whenever any recorder, heretofore in office, has neglected to keep up said indexes, it shall be the duty of the recorder now in office to make and complete said indexes mentioned in the preceding section, for which he shall receive a compensation of five cents for each tract of land embraced in the deed, mortgage or other instruments, to be paid out of the county treasury: *Provided*, that after said indexes are completed, no compensation shall be allowed to said recorders for keeping up said indexes.

Proviso.

§ 3. All laws in conflict with the provisions of this act are hereby repealed, and this act to take effect and be in force from and after its passage.

APPROVED February 12, 1851.

In force Feb. 12, 1851. AN ACT to authorize the county of Menard to transcribe records of Sangamon county.

Records to be transcribed.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the county court of the county of Menard is hereby authorized and empowered, at any regular term thereof, to direct and authorize the clerk of the circuit court and *ex officio* recorder of Menard county to transcribe from the records of the county of Sangamon, all deeds, title papers, certificates, pa-

tents, town-plats and all other writings on record in the recorder's office of said county of Sangamon, appertaining to lands lying in the county of Menard.

§ 2. The said clerk shall, before entering upon the duties enjoined by this act, take and subscribe an oath or affirmation, carefully and faithfully to perform the same; which oath or affirmation may be administered and certified to the said court by any justice in said county, and shall also give bond in such sum as said court may determine, with good and sufficient security. Clerk to take oath.

§ 3. It shall be the duty of said county court of said county of Menard, as soon as may be convenient thereafter, to provide a sufficient number of suitable blank books, substantially bound, for the purpose contemplated in this act. Blank books to be provided.

§ 4. As soon as such book or books shall be delivered to the aforesaid clerk and *ex officio* recorder, he shall proceed to the office of the recorder of Sangamon county, and shall, from the books in said office, make out and record, in a fair and legible manner, in the book or books furnished him, all records contemplated by the foregoing provision of this act, and shall certify, at the end of each volume, that the deeds, certificates, title papers and all other writings contained therein, are true and correct copies from the records of the county of Sangamon. When the said clerk shall have finished transcribing the records contemplated by this act, he shall also certify that these books (naming or numbering them) contain all the records appertaining to real estate lying in the county of Menard, and on record in the recorder's office of Sangamon county. Clerk to make certificate.

§ 5. It shall be the duty of the recorder of the county of Sangamon, to permit the said clerk of Menard circuit court, and *ex officio* recorder, to make transcripts of all and every record required by the provisions of this act, and, for that purpose, to use the books in which such instruments may be recorded, free of charge. Duty of recorder of Sangamon.

§ 6. When the records made by authority of this act are completed, in the manner contemplated herein, and deposited in the recorder's office of Menard county, certified copies of the same, made by the recorder of Menard county, shall be evidence in all courts and places, and with the same effect as if made by the recorder of Sangamon county. Certified copies to be evidence

§ 7. The said clerk and *ex officio* recorder of Menard county shall be allowed for his services, required to be employed in this act, the same fees now allowed by law for recording deeds, mortgages, and other instruments in writing, to be paid out of the county treasury of Menard county. Compensation.

§ 8. This act to be in force from and after its passage.

APPROVED February 12, 1851.

In force Feb. 12, AN ACT to establish the Fourteenth and Fifteenth Judicial Circuits, and for other purposes.
1851.

Fourteenth circuit.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That the counties of Jo Daviess, Stephenson and Winnebago shall compose a judicial circuit, to be called the fourteenth judicial circuit, and that the circuit courts shall be holden at the respective county seats of the said counties, at the times following, to wit: In the county of Jo Daviess, on the second Monday in March, on the second Monday in May, on the fourth Monday in August, and on the fourth Monday in November; in the county of Stephenson, on the first Monday in April, on the second Monday in September, and on the second Monday in November; in the county of Winnebago, on the fourth Monday in April, on the fourth Monday in September, and on the third Monday in November, in each and every year.*

Fifteenth circuit.

§ 2. *And be it further enacted, That the counties of Adams, Hancock, Henderson and Mercer shall hereafter compose a judicial circuit, to be called the fifteenth judicial circuit. The courts of the fifteenth judicial circuit shall be held at the county seats of the respective counties, as follows, to wit: At the county of Hancock, on the first Mondays of March, June and October; in the county of Adams, on the third Monday in March, June and October; in the county of Henderson, on the third Monday of April and September; and in the county of Mercer, on the first Monday in May and September.*

Election, when holden.

§ 3. *There shall be an election holden in the respective counties composing the said fourteenth and fifteenth judicial circuits, on the first Monday of May next, for the election of circuit judges and state's attorneys of said circuits; which election shall be conducted, and returns thereof made and canvassed, in the manner provided by the constitution and laws of this state. Said judges and state's attorneys, when elected, commissioned and qualified, shall hold their offices until the next general election of judges and state's attorneys, as provided by the constitution, and until their successors are elected and qualified.*

Notices of.

§ 4. *It shall be the duty of the secretary of state to cause a certified copy of this act to be immediately transmitted to each of the clerks of the circuit and county courts of said counties; and the clerks of the county courts of said counties shall issue notices for said election to the sheriffs thereof, respectively, notifying the electors of said elections; which notices shall be posted up by them in the several towns or precincts, in the like manner as provided by the constitution and laws of this state for holding general elections therein.*

§ 5. The said circuit judges and state's attorneys, when ^{Powers.} elected, shall exercise all the powers, perform all the duties, and have all the jurisdiction and authority now had or hereafter to be required of or exercised by circuit judges and state's attorneys in this state, under the constitution and laws thereof, and shall receive the same compensation as other judges and state's attorneys are entitled to receive by the constitution and laws.

§ 6. The judges and state's attorneys, now having ju- ^{Judges and at-} risdiction and exercising authority within said circuits, as ^{torneys.} above established, shall hold and exercise such jurisdiction and authority until the judges and state's attorneys in this act provided for shall have been elected, commissioned and qualified.

§ 7. The counties of Henry and Rock Island are here- ^{Henry and Rock} by added to and made a part of the sixth judicial circuit; ^{Island counties} and the circuit court of the several counties composing ^{transferred.} the sixth judicial circuit shall be holden at the county seats of the respective counties, at the times following, to wit: In the county of Ogle, on the second Monday in March and fourth Monday of August; in the county of Lee, on the ^{Sixth circuit.} fourth Monday in March and second Monday in September; in the county of Carroll, on the second Monday in April and fourth Monday in September; in the county of Whiteside, on the third Monday in April and first Monday in October; in the county of Henry, on the first Monday in May and third Monday in October; and in the county of Rock Island, on the second Monday in May and first Monday in November, in each and every year.

§ 8. *And be it further enacted,* That the fifth judicial ^{Fifth circuit.} circuit of this state shall hereafter be composed of the counties of Pike, Brown, Schuyler, McDonough, Cass and Mason. The spring terms of the said circuit shall be held as follows: In the county of Pike, on the third Monday in March; in the county of Brown, on the second Monday in April; in the county of McDonough, on the third Monday in April; in the county of Schuyler, on the fourth Monday in April; in the county of Cass, on the first Monday in May, and in the county of Mason on the second Monday in May. The fall terms of the said circuit shall be held in the county of Mason, on the first Monday in September; in the county of Cass, on the second Monday in September; in the county of Schuyler, on the third Monday in September; in the county of Pike, on the first Monday in October; in the county of Brown, on the fourth Monday in October; and in the county of McDonough, on the first Monday in November.

§ 9. All writs, subpoenas and other process which may ^{Process.} have been or may be issued out of and made returnable to the terms of the circuit courts as heretofore required by

law to be holden in the counties composing said fourteenth and fifteenth judicial circuits, or in the counties composing the sixth judicial circuit, as by this act constituted, shall be deemed and taken to be returnable to said terms of the courts as required to be holden under this act; and all notices which may have been given, either by publication, or otherwise, with reference to the terms as heretofore required to be holden, shall, by force of this act, refer to the terms of court as required to be held; and all proceedings pending in said courts, shall be taken up and disposed of as if no alteration had been made in the terms of holding said courts.

Tenth circuit

§ 10. That the counties of Peoria, Fulton, Knox, Warren and Stark, shall remain the tenth judicial circuit, retaining the same judge and prosecuting attorney as heretofore, and that the terms of holding courts in said counties be as follows: In the county of Peoria, on the first Monday in March, the second Monday in May, the third Monday in August and the second Monday in November; in the county of Fulton, on the third Monday in March, on the first Monday in August and on the first Monday in November; in the county of Knox, on the second Monday in April and the second Monday in September; in the county of Warren, on the third Monday in April and on the third Monday in September; in the county of Stark, on the fourth Monday in April and fourth Monday in September, in each and every year. And all writs and process which may have been or may be issued and made returnable to the terms of court in said counties, as heretofore required to be holden, shall be deemed and taken to be returnable to said terms of courts, as required to be holden under this act. And all notices which may have been given, either by publication or otherwise, with reference to the terms as heretofore required to be holden, shall, by force of this act, refer to the terms of court as herein required to be held. And all proceedings pending in said courts shall be taken up and disposed of as if no alteration had been made in the terms of holding said courts.

§ 11. This act to take effect and be in force from and after its passage.

APPROVED Feb. 12, 1851.

In force Feb. 12, 1851. AN ACT to authorize the county court of Monroe county to borrow money and levy and collect a special tax.

Loan authorized.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That the county court of Monroe county be and is hereby authorized*

to borrow any sum of money, not exceeding ten thousand dollars, at any rate of interest, not exceeding ten per cent. interest, to be agreed upon, for the purpose of erecting a court-house in said county.

§ 2. The said county court, for the purpose of paying the interest upon such loan, and reimbursing the principal, are hereby authorized to levy and collect a special tax upon the property in said county, to be denominated the court-house tax, which shall be faithfully applied to the extinguishment of the debt created as above. County court to levy tax.

3. This act to take effect and be in force from and after its passage.

APPROVED February 12, 1851.

AN ACT to legalize the acts of the justices of the peace of Schuyler county.

In force Feb. 12, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That each and all the acts, ministerial and judicial, of the several justices of the peace now holding commissions as such justices in and for the county of Schuyler, in this state, and which are otherwise in accordance with the constitution and laws of this state, are hereby legalized and declared to be binding and valid, any irregularity in their election and qualification to the contrary notwithstanding. Justices of the peace, acts of valid.

§ 2. That each and all such justices of the peace are hereby declared to be regular acting justices of the peace, in and for said county of Schuyler, to hold their offices, respectively, until the next regular election under the laws of this state for such officers, and until their successors are elected and qualified, and their action as such justices shall be binding and valid, any irregularity in their election to the contrary notwithstanding. Term of office.

§ 3. This act to be in force from and after its passage.

APPROVED Feb'y 12, 1851.

AN ACT to amend chapter 25 of the Revised Statutes, entitled "Corporations." In force Feb. 13, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That any five or more persons, being desirous of associating themselves together, for the purpose of forming an academy or seminary of learning in their neighborhood, may make, sign and Name of academy or seminary to be filed.

acknowledge, before any officer authorized to take the acknowledgment of deeds in this state, and file in the office of the secretary of state, and also in the office of the recorder of the county in which said institution is to be established, a certificate, or declaration, in writing, in which shall be stated the name or title by which said institution shall be known in law, the number of trustees, and, as far as practicable, the principal branches of literature and science proposed to be taught.

Trustees, to be elected, and how.

§ 2. It shall be lawful for the persons associated together for the purposes named in the preceding section, or a majority of them, to meet at some public place in the neighborhood of the intended academy or seminary of learning, after giving ten days' notice thereof, by advertisements set up at three public places in the vicinity, or by notice in some public newspaper printed in the county, and then and there proceed to the election of not less than five nor more than seven trustees.

Clerk's certificate to be recorded.

§ 3. The clerks who may have acted as such at the election of said trustees, shall, within ten days thereafter, deposit in the recorder's office of the county in which said institution is to be established, a certificate of the election of said trustees, which shall be immediately recorded in some book in which deeds are recorded. And as soon as the clerk of such election shall deposit with the recorder of the county as aforesaid a certificate of said election, stating therein the name of the association, and for what object formed, and the names of the trustees elected, then and from that time the said trustees and their successors in office shall be created and remain a body corporate and politic, and in the name and style assumed by them shall remain in perpetual succession, with power to sue and be sued; to plead and be impleaded; to acquire, hold and convey property, real and personal; to have and to use a common seal; to alter the same at pleasure; to make and alter from time to time such by-laws as they may deem necessary for the government and regulation of such academy or seminary of learning, its officers, servants and property.

Corporation.

Sections 28, 29, &c., to be without force or effect.

§ 4. Sections 28, 29, 30, 31 and 32 of the act to which this is an amendment, are hereby declared to be of no force and effect as to all incorporations formed after the passage of this act, and the remaining sections of the second division of the chapter to which this is an amendment shall apply to all the corporations formed under the provisions of this act: *Provided*, that in all corporations so formed, each stockholder shall be entitled to one vote for each share of stock held.

Proviso.

§ 5. It shall be the duty of the trustees of any institution created under this act, or a majority of them, on or be-

fore the first Monday of January in each year, to file in the office of the secretary of state, and in the recorder's office of the county where the original certificate is filed, a statement of the trustees and officers of said institution, with an inventory of its property and liabilities, the number of students, and such other information as will exhibit its condition and operations.

§ 6. This act shall take effect and be in force from and after its passage.

APPROVED February 13, 1851.

AN ACT to amend an act entitled "An act granting certain pre-emptions therein In force Feb. 13, 1851," approved February 12, 1849.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That a pre-emption right be and the same is hereby granted to Robert Stevens, his heirs, assigns and legal representatives, to purchase from the state of Illinois, at the appraised value, the west half of the north-east quarter of section eleven (11,) in township thirty-five (35) north, of range ten (10) east, in Will county, in said state.

§ 2. All the provisions and restrictions of the act to which this is an amendment, applicable to the pre-emption in said act granted to said Robert Stevens, are hereby declared applicable to this act.

§ 3. This act to be in force from and after its passage.

APPROVED February 13, 1851.

AN ACT to confirm the doings of the county commissioners' court of Cook county, in relation to the use of a public road by the Chicago South-western Plank Road company, and to amend the charter of said company. In force Feb. 13, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the actings and doings of the county commissioners' court of Cook county, authorizing the Chicago South-western Plank Road company to have and to use the public road in Cook county, commencing at Chicago, to the west line of Cook county, and granting the right of way over the same to the said company, to enable them to lay plank thereon, and receive tolls from persons travelling over or on the same, as specified in their charter, be and the same is hereby approved and confirmed.

Funds, how collected and paid out.

President and secretary to issue orders.

§ 2. That all moneys called for by the Chicago Southwestern Plank Road company, as instalments upon stock, and all moneys collected as tolls upon its said road, and other funds of the company, shall be paid over to the treasurer thereof, and by him safely kept, and paid out, only upon the order of the president, and countersigned by the secretary, and it shall be the duty of the president and secretary to draw their orders upon the treasurer for such amounts, and to such persons, as the board of directors shall, from time to time, determine and order; and no order shall be drawn from the treasury except upon such orders as are authorized by the board of directors.

APPROVED February 13, 1851.

In force Feb. 14, 1851.

AN ACT to provide for the funding of certain bonds therein named.

Canal bonds declared internal improvement bonds.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly;* That so many of the canal bonds handed or paid over by the governor of this state to the fund commissioner, and by him applied to the completion of the Northern Cross railroad, from Jacksonville to Springfield, in pursuance of an act entitled "An act to provide for the completion of that part of the Northern Cross railroad from Springfield to Jacksonville, and for other purposes," approved February twenty-sixth, one thousand eight hundred and forty-one, as are now outstanding, shall be deemed and considered internal improvement bonds.

Bonds to be funded.

§ 2. The governor is hereby authorized and required to receive said bonds when they shall be presented, and fund the same, in pursuance of the provisions of the act entitled "An act to authorize the refunding of the state debt," approved February twenty-eight, one thousand eight hundred and forty-seven; and all the provisions of said last mentioned act are hereby made applicable to said bonds.

Certain stockholders not to be relieved from payment of excess.

§ 3. Nothing in this act contained shall be so construed as to relieve the stockholders in the Sangamon and Morgan railroad from the payment of the excess of the earnings of said road, over and above six per centum per annum, upon the cost of purchase and repair of said road, toward the interest of the uncanceled canal bonds used for the completion of said road, (including the bonds issued under the provisions of this act,) agreeably to the tenth section of an act entitled "An act to provide for the sale of a part of the Northern Cross railroad," approved February sixteenth, A. D. one thousand eight hundred and forty-seven.

APPROVED Feb. 14, 1851.

AN ACT to pay a prosecuting attorney therein named.

In force Feb. 14,
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the auditor of public accounts of this state be and he is hereby directed to issue his warrant upon the treasurer, in favor of Bushrod B. Howard, for the sum of two hundred dollars, for services done and performed as prosecuting attorney in and for the Jo Daviess county court in this state.

Auditor to issue
warrant to
Bushrod B.
Howard.

§ 4. This act to take effect from and after its passage.

APPROVED February 14, 1851.

AN ACT to pay Burton C. Cook and David B. Campbell for services rendered the state in the second and third grand divisions of the supreme court

In force Feb. 14,
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the sum of one hundred dollars be and the same is hereby allowed to Burton C. Cook, for professional services rendered the state in the third grand division of the supreme court, in the year one thousand eight hundred and forty-nine.

\$100 appropri-
ated to B. C.
Cook.

§ 2. The sum of one hundred dollars is hereby allowed to David B. Campbell, for professional services rendered the state in the supreme court of the second grand division of the supreme court, for the year one thousand eight hundred and forty-nine.

The same to D.
B. Campbell.

§ 3. The auditor of public accounts is hereby authorized to issue his warrant on the treasurer, to the said Burton C. Cook and David B. Campbell, for the above mentioned sums.

Warrants to be
issued.

APPROVED Feb. 14, 1851.

AN ACT to provide for the pay of a prosecuting attorney therein named.

In force Feb. 14,
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Anderson P. Corder be and he is hereby allowed the sum of one hundred dollars, for services rendered as prosecuting attorney in the third judicial circuit, appointed by the Hon. Judge Denning, under the last proclamation of the governor, to suppress riots and disorder in Massac county.

\$100 appropri-
ated to Ander-
son P. Corder.

§ 2. *And be it further enacted,* That the auditor of public accounts be and he is hereby required to issue his

Auditor to draw
warrants.

warrant on the treasurer in favor of the above named Anderson P. Corder, for the above specified amount, any defect in the law to the contrary notwithstanding.

APPROVED February 14, 1851.

In force Feb. 14,
1851.

AN ACT in relation to the Illinois and Michigan canal, and the canal lands.

Penalties, when
recovered be-
fore justice of
the peace.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* All penalties provided by law in relation to the canal, and all penalties provided and mentioned in the "rules, by-laws and regulations" adopted and established, and which hereafter may be adopted and established by the board of trustees of the Illinois and Michigan canal, in pursuance and by virtue of section 15 of the "Act to provide for the completion of the Illinois and Michigan canal, and payment of the canal debt," approved February 21st, 1843, in all cases when the amount does not exceed one hundred dollars, may be sued for and recovered, by action of debt, before any justice of the peace of the county in which the cause of action accrued.

Penalty for in-
juring canal
banks, &c.

§ 2. Any person or persons who shall wilfully and maliciously or wantonly injure any bank of the canal, tow-path, bridge, culvert, lock, aqueduct or any part of any portion of the canal, or any thing connected with or appertaining to the same, shall be deemed guilty of malicious mischief, and shall, on conviction, be fined in a sum not exceeding three hundred dollars, and be imprisoned not exceeding three months.

Reappraisement
of lands and
lots may be
made.

§ 3. The said board of trustees of the Illinois and Michigan canal are hereby authorized to call together the board of appraisers, heretofore appointed for the appraisal of canal lands, and such board, or a majority of them, shall be and they are hereby authorized to re-appraise and value any such lots, lands or water power, as the said board of trustees shall designate and require to be re-appraised, and which have been heretofore exposed to sale at public auction and remaining unsold for want of bidders; and they are also authorized to re-appraise block seven, in the original town of Chicago, (known as the "basin block;") and also to appraise all such canal property as has not been heretofore appraised; and the appraisal and re-appraisal and valuation so made by such appraisers, shall have the same force and effect as the original appraisal heretofore made by them.

§ 4. In case of the death, resignation or refusal of any of said board of appraisers to serve, the judge of the circuit court in which such vacancy occurs, shall have power to fill such vacancy, and shall do so on the application of said board of trustees.

Vacancy in board of appraisers, how filled.

§ 5. This act to be in force from and after its passage.

APPROVED February 14, 1851.

AN ACT to relocate a portion of the road from Springfield to Beardstown.

In force Feb. 14, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Peter Cartright, William Carson and Jacob Epler be and they are hereby appointed commissioners to relocate so much of the state road leading from Springfield to Beardstown, as lies between the head of Richland creek timber and the east line of Cass county; having due regard to private property.

Commissioners.

§ 2. That said commissioners shall meet on or before the first day of June next after the passage of this bill, or as soon thereafter as possible, at the house of Peter Cartwright, and take an oath before some justice of the peace of Sangamon county, well and truly to perform the duties required of them by this act.

To take oath.

§ 3. When said commissioners shall have viewed the said ground, and shall have relocated said road, it shall be their duty to make out a plat of the road so relocated, and lay said plat before the county court of Sangamon county, as soon as practicable after the completion of the same, and the road so relocated is hereby declared the state road; and so much of the old road affected by said relocation is hereby vacated.

Their duty.

§ 4. That said plat shall be evidence hereafter in all courts of record in this state; and it shall be the duty of the county court of Sangamon county to record said plat in the records of their office.

Plat of road to be evidence.

APPROVED Feb'y 14, 1851.

AN ACT authorizing the trustees of the Illinois and Michigan canal to lease water power in the town of Ottawa, and to settle for damages.

In force April 18, 1851.

For the better enabling the trustees of the Illinois and Michigan canal to create a surplus of water in the town of Ottawa, and lease the same as contemplated prior to the

Preamble.

passage of the act of the 21st of February, 1843, providing for the completion of said canal, and required thereby—

Consent on the
part of the
state.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, as follows : The state of Illinois hereby declares its assent to the following alterations and additions to the act entitled "An act to provide for the completion of the Illinois and Michigan canal, and for the payment of the canal debt," approved 21st February, 1843.

To create sur-
plus water.

1st. The board of trustees to the said canal may create surplus water in the town of Ottawa, and lease the same, with the ground upon which to use it, upon such terms and conditions as they may deem advisable.

To settle with
owners of land
&c.

2d. The said trustees are hereby authorized to settle with any of the owners of land or water power on Fox river, for the damages they may sustain by reason of the diversion of the water of said river into said canal, for the purpose of creating surplus water to be leased for hydraulic purposes in said town, and pay for the same; or may give in exchange, water in said town, to be drawn from said canal, or its branch, and the ground upon which to use it, either in perpetuity or for a term of years, and to execute such conveyances, covenants and leases as may be necessary or proper to accomplish that object.

To acquire control
of water
power.

§ 2. The said trustees are further authorized to acquire the free and sole use and control of the water which may be drawn from Fox river through the Fox river feeder, by giving to the owner or owners, or claimants, or any or either of them, of the water power in Dayton, or said feeder water in Ottawa, and the ground upon which to use it, either in perpetuity, or for a term of years, upon such terms and conditions as they may deem best for the interest of the state and of the canal fund; and for this purpose may execute all such conveyances, covenants and leases as may be deemed necessary or proper.

Doings of trust-
tees to be bind-
ing on state.

§ 3. The acts and doings of the said trustees, done in pursuance of this act, shall be binding upon the state.

APPROVED Feb'y 14, 1851.

In force Feb. 14, AN ACT to exempt members of the fire department of the city of Chicago from serving as jurors.

Firemen exempt
from jury ser-
vice.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That from and after the passage of this act, the members of the fire department of the city of Chicago shall be exempt from serving as jurors, in all cases.

§ 2. That all members of the fire department of the city of Chicago, who have served for ten years, or who may hereafter serve for ten years in said department, shall forever after be exempt from serving as jurors.

Perpetual exemption after ten years' service.

APPROVED Feb. 14, 1851.

AN ACT changing the time of holding the circuit courts in the second judicial circuit. In force Feb. 14, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the circuit courts in the second judicial circuit shall be held at the times hereinafter mentioned: In the county of St. Clair, on the second Mondays of March and August; in the county of Madison, on the third Mondays after the second Mondays of March and August; in the county of Monroe, on the sixth Mondays after the second Mondays of March and August; in the county of Randolph, on the Mondays following; in the county of Perry, on the Mondays following; in the county of Washington, on the Mondays following; in the county of Clinton, on the Mondays following; in the county of Bond, on the Mondays following; in the county of Fayette, on the Fridays following; in the county of Montgomery, on the Wednesdays following, to continue until the business is disposed of.

Time of holding courts.

§ 2. All writs, subpoenas, and any other process which may have been or may be issued and made returnable to the terms of courts in the said circuit, as heretofore required to be holden, shall be deemed and taken to be returnable to said terms of courts as required to be holden under this act, and all notices which may have been given, either of publication, or otherwise, with reference to the terms as heretofore required to be holden, shall, by force of this act, refer to the terms of courts so required to be held under this act; and proceedings pending in any of said courts shall be taken up and disposed of according to law, as if no alteration had been made in the times of holding said courts.

Writs heretofore issued, how returnable.

§ 3. This act shall, upon its passage, be published in the paper of the public printer, and the secretary of state shall immediately thereafter transmit a copy thereof to each of the clerks of said courts.

Duty of secretary of state.

§ 4. All acts and parts of acts conflicting with the provisions of this act are hereby repealed. This act to take effect from and after its passage.

Acts repealed.

APPROVED Feb. 14, 1851.

In force Feb. 13, AN ACT amendatory to "An act relating to the improvement of the navigation of the Saline river," approved March 4, 1837.

Preamble.

Whereas by an act of the General Assembly of the state of Illinois, entitled "An act relating to the Gallatin Saline, and the lands belonging to the same," approved sixteenth January, one thousand eight hundred and thirty-six, and an act amendatory thereof, entitled "an act relating to the improvement of the navigation of the Saline river," approved March fourth, one thousand eight hundred and thirty-seven, John Crenshaw and others were appointed commissioners to expend an appropriation made by the first of said acts, and in execution of their trust purchased lands in the name of the commissioners of navigation; and whereas John Crenshaw is the only surviving and acting commissioner under said acts—

Contracts legalized.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That all contracts made by the said John Crenshaw, as such surviving and acting commissioner, be and the same are hereby legalized and confirmed.*

Sales authorized.

§ 2. *Be it further enacted, That the said John Crenshaw, as such commissioner, is hereby authorized, empowered and directed to make sale of the lands so purchased by the said commissioners, for cash, and the purchase money under such sale or sales paid into the office of the state treasurer, and there held as a deposit for the purpose of improving the navigation of the Saline river, under such appropriation thereof as may hereafter be made; and the certificate of the state treasurer shall be evidence of such payment.*

Conveyances.

§ 3. *Be it further enacted, That the said John Crenshaw, as such commissioner, is hereby authorized and empowered to make, execute, and acknowledge all deeds of conveyance, or other instruments of writing necessary to carry into effect the provisions of this law.*

Acts repealed.

§ 4. All acts and parts of acts not consistent with the terms of this act, be and the same are hereby repealed.

This act to be in force from and after its passage.

APPROVED Feb. 13, 1851.

In force Feb. 14, AN ACT to extend the time for the collection of the revenue of Champaign county for 1850.

Preamble.

Whereas the assessor of Champaign county failed to complete the assessment of the taxable property in said county for the year A. D. 1850, within the time required by law; therefore,

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the collector of the county of Champaign for the year 1850, be and he is hereby allowed until the first Monday of October, 1851, to collect and make a final settlement for the taxes of said year 1850: *Provided,* that the said collector shall file with the clerk of the county court an instrument in writing, under the hands and seals of the persons who are sureties on the bond of the collector aforesaid, showing their agreement and consent to the extension of time allowed by this act. Time extended
Proviso.

§ 2. The assessment mentioned in the first section of this act is hereby declared to be as good and valid as if the same had been completed within the time required by law, and the collector is hereby authorized to give notice and collect in the several precincts as now required by law, at any time prior to the first day of May next. Assessments legalized.

APPROVED Feb. 14, 1851.

AN ACT to authorize the location of a state road therein named.

In force Feb. 14,
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Edmond Richards, of Macoupin county, S. G. M. Allis, of Morgan county, and Martin Millan, of Sangamon county, are hereby appointed commissioners to view, locate and mark a state road commencing on the range line between ranges seven and eight, where the county road leaves said line, being the north-west corner of the south-west quarter of section six, township twelve north, range seven, west of the third principal meridian, in Macoupin county, and running north on said line to the corner of Morgan and Sangamon counties, thence due north on said line two miles from said corner, thence in a northern direction, on the most feasible and equitable route, to intersect the Vandalia road, at or near Wemple's lane. Commissioners.

§ 2. Said commissioners, or a majority of them, shall meet at the place of beginning, within one month after the passage of this act, and after having been qualified before some justice of the peace of either of the counties of Sangamon, Morgan or Macoupin, proceed to view, locate and mark said road according to the first section of this act, and within one month after the location of said road make return thereof to the county courts of the counties of Morgan, Sangamon and Macoupin; and when said returns are received the said courts shall cause said road to be opened and worked as other state roads are required to be worked. When to meet
and make re-
turns.

Road to be open-
ed and worked
as state road.

Compensation.

§ 3. Said commissioners shall be allowed one dollar each per day for the time necessarily engaged in locating said road, and making returns thereof, to be paid out of the county treasuries of the several counties through which said road passes, in equal amount from each.

This act to be in force from and after its passage.

APPROVED Feb. 14, 1851.

In force April
18, 1851.

AN ACT to amend the act establishing the Illinois State Hospital for the Insane.

Special tax.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the special tax authorized to be levied and collected for the purpose of creating the "fund for the insane" shall be increased to one third of a mill for the present and succeeding years, until otherwise provided by law, and so much of said fund as may be necessary shall, after the completion of the buildings provided for in the act to which this is an amendment, be used in defraying the expenses of the institution: *Provided*, that not more than one hundred and fifty dollars per annum shall be paid for each state patient.

Act repealed in
part.

§ 2. So much of the act to which this is an amendment as requires counties to pay costs and charges attending the treatment of insane paupers, is hereby repealed; and the costs and charges of keeping insane persons residing in this state shall be paid out of the "fund for the insane."

Duty of trustees

§ 3. The trustees of said institution shall proceed to finish and furnish rooms in the building for the reception and care of patients, with all reasonable diligence; and for this purpose they may use "the fund for the insane," provided that such use of the fund shall not interfere with the finishing the building under existing contracts.

Who to be re-
ceived.

§ 4. The trustees are authorized to receive and detain in the institution all residents of this state who may be decided to be insane or distracted, by any court or judge vested with jurisdiction or power to adjudicate upon questions of sanity or insanity; and the order of such court or judge, or a certified copy thereof, under the seal of court, shall be evidence of [in] all courts and places wherein the right to keep or detain any person or persons shall be called in question.

Jurisdiction of
county courts.

§ 5. The county courts of the several counties in this state are hereby vested with jurisdiction to hear and determine all questions which may arise in their respective counties, touching the sanity or insanity of persons residing therein, and the possession of a right to property shall not

affect the question of jurisdiction; also of all questions which may arise under the provisions of chapter fifty of the Revised Statutes, entitled "Idiots and Lunatics." And the said courts and county judges shall and may proceed in the adjudication of all questions arising under the provisions of said chapter, in the same manner and with the like effect as circuit courts or judges thereof.

§ 6. Proceedings had before judges in vacation, under the provisions of this act, shall be recorded at the next regular or special term of the court. Acts in vacation

§ 7. Whenever any person shall be found to be insane or distracted, before any court or judge, the sheriff of the county shall be furnished with a certificate by the clerk of the court, if the proceeding was had in court, or by the judge, if such proceeding was had in vacation, stating that in a proceeding had before such court or judge, such person, naming him or her, had been found to be insane or distracted, as the fact may have been, and that such insane or distracted person was thereupon ordered to be conveyed to "The Illinois State Hospital for the Insane;" which certificate shall constitute the authority of the sheriff, or any other person to whom the same may be delivered, to convey such insane or distracted person to the said hospital; and also the authority of the trustees to keep and detain him or her therein. Certificate to sheriff. Duty of sheriff.

§ 8. Persons who have heretofore been found or decided to be distracted or insane, may be conveyed to and detained in said hospital, and a certified copy of the order of court, or judge appointing the conservator, shall authorize the reception and detention of all such persons. Persons heretofore declared insane.

§ 9. The trustees of the hospital shall publish a notice in two newspapers published at the seat of government, three months in advance of the time when the building will be prepared for the reception of patients, and a copy of such notice shall be forwarded by mail to the judge and clerk of every county court in the state, on the first publication thereof, stating the time when patients will be received, and requesting that information will be forwarded to said board, of the names, ages and sex of all insane and distracted persons in the state, with a statement in reference to each—first, of the duration of the disease, dating from the first symptoms; second, the supposed exciting cause of the disease; third, whether or not the disease is hereditary; fourth, whether the patient has made any attempt to commit any violence upon him or herself, or others: upon the publication of which notice and request, all persons having charge of insane or distracted persons, judges and clerks of county and circuit courts, shall, without delay, be furnished the information desired, in respect to all insane and distracted persons known to them; and one

month before the time fixed for the reception of patients, the trustees shall, with the assistance of the medical superintendent, make a list of all the names furnished, and select from them the number to be received, having regard to the provisions of the act establishing the hospital; and notice shall thereupon be given to all persons who have furnished names as aforesaid of the persons so selected; and, also, that in case any patient so selected shall not be conveyed to the hospital within twenty days after the time fixed for the reception thereof, that another or other selections will be made, so that the person or persons not being conveyed as aforesaid will not be received until the further order of the board.

Married women and infants.

§ 10. Married women and infants, who in the judgment of the medical superintendent are evidently insane or distracted, may be received and detained in the hospital on the request of the husband, or the woman, or parent, or guardian of the infants, without the evidence of insanity or distraction required in other cases.

Expenses.

§ 11. The expenses of conveying paupers to the hospital shall be paid by the counties in which they reside, and the expense of carrying others shall be paid by conservators, husbands, parents or guardians; and in no case shall any such expense be paid out of "the fund for the insane."

Persons laboring under contagious diseases.

§ 12. No person, laboring under any contagious or infectious disease, shall be admitted into said hospital as a patient.

Sheriff to employ assistance, when.

§ 13. In conveying patients to the hospital for the insane, the sheriff may employ one assistant for each patient, and the compensation to the sheriff shall be five cents per mile, going and returning, and two dollars per day, computing one day for every thirty-five miles travel, on the usual route of the United States mail, and one half of said amount to the assistant; which compensation shall be paid by counties, in cases of paupers, and by conservators, husbands, parents and guardians in other cases.

Clothing.

§ 14. Clothing for paupers shall be furnished or paid for by the counties in which they resided, and the judge of each county court shall furnish all necessary clothing, at the expense of such counties; and a certificate of the judge, of the purchase of clothing or goods to be made up for the use of patients, shall be received in payment of county revenue the same as county orders.

Penalties of bonds.

§ 15. Hereafter the penalties of bonds required of conservators shall be fixed with reference to the value of personal property and rents, and when orders are made for the sale of real estate by courts, additional bonds may be required, with conditions to account for the proceeds of such sales according to law.

§ 16. The medical superintendent shall not be required to serve on juries, work on roads, or to attend any court as a witness in a civil suit, but parties desiring his testimony in any case shall be allowed to take and use his deposition; nor shall he be required to attend as a witness in any criminal case, unless the court before which his testimony may be desired shall, upon being satisfied of the materiality of his testimony, require his attendance.

Medical sup't
exempt from
jury service.

§ 17. All persons employed in the hospital, whilst so employed, shall be exempt from serving on juries, working on roads, and in time of peace, from performing military duty.

Employees ex-
empt from jury
service, &c.

§ 18. The biennial reports of the trustees to the general assembly shall hereafter be printed, under the direction of the board, before the meeting of the general assembly, so that said reports may be placed on the tables of the members during the first week of the session: *Provided*, that not more than one thousand copies shall be printed for the use of the general assembly, and a like number for the use of the hospital.

Biennial repts.

§ 19. If the funds appropriated to defray the expenses of the Hospital for the Insane, for the years one thousand eight hundred and fifty-one and fifty-two, shall prove insufficient, the governor may, upon being satisfied of the necessity thereof, make an order on the auditor, directing him to issue a warrant on the treasury for a loan, not exceeding five thousand dollars, payable in such sums and at such times as the governor may direct; and whatever amount may be so drawn from the treasury, shall be refunded out of the "fund for the insane," when collected.

Defi-
ciency of
funds, how sup-
plied.

APPROVED Feb. 15, 1851.

AN ACT to provide for the distribution of certain school funds herein named. In force Feb. 16, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the school commissioner of Cumberland county, be and he hereby is required to divide and apportion the interest on the school, college and seminary fund for said county, and the township trustees the township fund of the several townships which accrued for the year 1850 and is undistributed, or which may accrue for the year 1851, on an examination of scholars, to be made on or before first Monday of April, 1851.

Commissioners
to apportion.

§ 2. Any district in said county which has neglected to elect their directors, may elect such directors by meeting at their school house on the first Saturday of March, 1851,

Directors elect-
ed.

at six o'clock, P. M.; of which meeting this act shall be taken and deemed legal notice.

§ 3. This act to take effect from and after the passage.
APPROVED Feb. 15, 1851.

In force Feb. 15, AN ACT to amend an act entitled "An act to establish the Illinois Institution for the Education of the Blind."

- Officers, term of limited.** SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the term of office of the president and trustees of the Illinois Institution for the Education of the Blind shall be and is hereby limited to two years; the trustees now in office shall continue in office until the governor, by and with the advice and
- How appointed.** consent of the senate, shall appoint others; and it shall be the duty of the governor, by and with the advice and consent of the senate, immediately after the passage of this act, to appoint five trustees for said institution; and the governor shall biennially hereafter, by and with the advice and consent of the senate as aforesaid, appoint five trustees for said institution; and the board of trustees shall have the
- Vacancies, how filled.** power, from time to time, to fill vacancies that may happen by death, resignation or otherwise, in their own body, between the biennial appointments made by the governor. The board organized under the provisions of this act shall have all the powers, act under the same responsibilities, and perform the same duties as the present board.
- Officers of hospital for the insane, term of office limited.** § 2. That the term of service of the president and trustees of the Illinois State Hospital for the Insane, shall be and it is hereby limited to two years. The trustees now in
- How appointed.** office shall continue in office until the governor, by and with the advice and consent of the senate, shall appoint others; and it shall be the duty of the governor, by and with the advice and consent of the senate, immediately after the passage of this act, to appoint nine trustees for said institution; and the governor shall biennially hereafter, by and with the advice and consent of the senate as aforesaid, appoint nine trustees for said institution. And the board of trustees shall have the power, from time to time, to fill vacancies that may happen, by death, resignation or otherwise, in their own body, between the biennial
- Vacancies, how filled.** appointments made by the governor. The board organized under the provisions of this act shall have all the powers, act under the same responsibilities, and perform the same duties as the present board.

§ 3. That in addition to the tax of one tenth of a mill on every dollar's worth of taxable property in the state, required to be assessed and collected by the act entitled "An act to establish the Illinois Institution for the Education of the Blind," approved on the thirteenth day of February, one thousand eight hundred and forty-nine, to aid in establishing and maintaining said institution, there shall be assessed and collected for the years one thousand eight hundred and fifty-one and one thousand eight hundred and fifty-two, a tax of one tenth of a mill upon every dollar's worth of taxable property in the state; the proceeds of which shall be applied to the completion of the building now in the course of erection, and which additional tax shall be assessed and collected in the same manner as the one tenth of a mill provided for in the act above recited.

§ 4. That if in any county the tax required to be assessed and collected by this act shall not be collected for either or both of said years herein provided for, the same shall be assessed and collected for a subsequent year or years, so that said tax shall be assessed and collected in every county in this state for two years.

Tax to be collected for two years.

§ 5. That the sum of five thousand dollars is hereby appropriated to aid in the completion of the building for the Institution for the Blind, payable during the present years, out of any money in the treasury not otherwise appropriated; which said sum of five thousand dollars shall be refunded to the treasury out of the proceeds of the tax provided for in this act.

Appropriation and refunding the same.

§ 6. That the special tax required to be assessed and collected by the act to establish the Illinois State Hospital for the Insane shall be assessed and collected for the years one thousand eight hundred and fifty-one and one thousand eight hundred and fifty-two, in the manner and for the purpose expressed in the said act.

Tax, how collected.

For what purpose.

§ 7. The number of trustees for the Hospital for the Insane shall be reduced to seven.

Trustees.

§ 8. That if in any county there has been or shall be a failure to assess and collect the special tax, for any one or more years required to be assessed and collected for the use of the Hospital for the Insane, the said tax shall hereafter be assessed and collected in any such county the one or more years in addition to the years provided for in this act, so that the said tax shall be assessed and collected in every county in the state an equal number of years.

Failure to collect tax.

§ 9. That the sum of six thousand dollars shall be and the same is hereby appropriated to aid in the completion of the building of the Hospital for the Insane, payable out of the treasury in sums of one thousand dollars, as the same may be required for use; which said sum of six thousand

Appropriation, and refunding the same.

dollars shall be refunded to the treasury, out of the tax authorized to be collected under the provisions of this act.

This act shall take effect from and after its passage.

APPROVED February 15, 1851.

In force April,
18, 1851.
Additional
fund.

AN ACT creating a fund for the education of the deaf and dumb.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That for the purpose of defraying the ordinary expenses of the Illinois Institution for the Education of the Deaf and Dumb, a separate fund is hereby created and established, in addition to the fund provided for in the act of incorporation, to be denominated "The fund for the education of the deaf and dumb," which shall consist of one sixth of a mill upon each dollar's worth of taxable property in the state, to be taken and deducted from the tax of two mills on the dollar authorized to be assessed and collected for paying the ordinary expenses of government, by the act passed on the first day of March, one thousand eight hundred and forty-five, entitled "An act to provide for paying a portion of interest on the state debt; and as the revenue of the state is collected and paid into the treasury, the auditor shall direct the treasurer to credit the aforesaid fund by the amount of said one sixth of a mill, in a separate account to be kept for that purpose.

Drawn monthly.

Proviso.

§ 2. The said one sixth of a mill shall be collected and paid in current money of the United States, and shall be drawn from the treasury monthly, as required for use, upon warrants of the auditor: *Provided*, that not more than one hundred and twenty dollars per annum of said fund shall be paid for each state pupil attending said institution; and the president of the board of directors shall furnish the auditor with a catalogue of the pupils in attendance on the first of December and first of July, annually, and the excess of the said fund which shall remain after the payment of the said one hundred and twenty dollars per pupil, for each pupil shall be used in the erection of the north wing of the building until that is completed, and thereafter the said excess shall be transferred to the treasury and used for ordinary purposes of government.

Proceeds of farm
how applied.

§ 3. The proceeds of the sales of the productions of the farm and garden, and of sales of manufactured articles, and the receipts for work performed by the pupils and others in the employment of the directors, shall be applied to the uses of the institution, under the direction of the board of directors.

§ 4. The act passed on the twenty-third day of February, one thousand eight hundred and forty-seven, entitled "An act making further provision for the education of the deaf and dumb," is hereby repealed, and the first and second sections of this act shall operate upon the revenue of the year one thousand eight hundred and fifty-one, and every year thereafter, until otherwise provided by law. Act repealed.

§ 5. That to defray the ordinary expenses of the said institution for the year one thousand eight hundred and fifty-one, and until the fund created by this act shall be available, the sum of ten thousand dollars is hereby appropriated, payable out of any money in the treasury in sums of not exceeding one thousand dollars, as the same may be required for use. Appropriation.

§ 6. The sum of ten thousand dollars is hereby appropriated, to be used in completing the centre building of the institution, payable out of any money in the treasury not otherwise appropriated, in sums of not exceeding two thousand dollars, as the same may be required for use.

§ 7. That to enable the directors to purchase a lot of land containing about twelve acres, situated adjoining to and west of the land now owned by the institution, the sum of one thousand dollars is hereby appropriated, payable out of any money in the treasury not otherwise appropriated. Appropriation to buy lot.

This act shall take effect from and after its passage.

APPROVED Feb. 15, 1851.

AN ACT supplementary to an act entitled "An act to levee and make certain improvements on the Wabash river," approved February 18th, 1847. In force Feb. 15, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Joseph Riley and John Shephard be appointed commissioners to fill the vacancy occasioned by the death of Archibald C. Baird and Charles D. Emmons, in the board of commissioners created by the act to which this is supplementary; and that hereafter where any vacancy in said board shall arise from death, resignation, or otherwise, that the same may be filled by appointment by the board until the next ensuing election. Vacancies filled.

§ 2. That the said board of directors shall cause the said levee to be extended down to the river to some convenient point below the Olney, Lawrenceville and Wabash Plank road, as may be deemed advisable by said board. Levee extended.

§ 3. That the boundaries of the territory in the second section of the act to which this act is supplementary, shall be enlarged. Boundaries enlarged.

be enlarged so as to embrace within its limits the whole of township four north, range eleven west.

Acts confirmed. § 4. That all acts heretofore done by the board of commissioners aforesaid, in pursuance to the act of the legislature aforesaid, entitled "An act to levee and make certain improvements on the Wabash river," approved February eighteenth, one thousand eight hundred and forty-seven, be and the same are hereby confirmed.

§ 5. This act shall be in force from and after its passage.

APPROVED Feb. 15, 1851.

In force Feb. 15, 1851. AN ACT granting a pre-emption upon certain lands in Alexander county.

Preamble. Whereas Daniel H. Brush, of Jackson county, Illinois, and Alexander P. Gross, of Alexander county, in the state aforesaid, did, some time in the month of March, A. D., 1850, apply to the register of the land office at Kaskaskia, for the purpose of entering the following described lands, to wit: the east fractional half of the north-east quarter of section twenty-one; the west half of the north-west quarter of section twenty-two; the north-east quarter of the north-west quarter of section twenty-two; the west half of the north-east quarter of section fifteen; the west half of the south-east quarter of section ten; the north-east fractional quarter of the north-west quarter of section ten; and the south-west quarter of the south-west quarter of section three; all in township number sixteen south, of range number two west, situate in the said county of Alexander: at which time, there being no receiver at said land office, they could not enter said land. That afterwards, on or about the 10th day of May, 1850, they again made application to the register of said land office, for the entry of said land, but could not enter because there was still no receiver. That afterwards, on the 17th of July, in the year aforesaid, they, the said Daniel H. Brush and Alexander P. Gross, made out a formal application and filed it with the register of the said land office, for the purpose of entering and securing said land above described, and made a tender of the money therefor, but were then prevented from entering the same for the reason that the surveyor general of Illinois and Missouri, on account of some informality and error in the original survey and plat of some of the lands in said township, had forwarded to the register of said land office an order suspending all the land in the said township from sale, and

had ordered a re-survey of a part of said township. That before the said re-survey was made, and a plat thereof returned to said land office, the general government granted to the state of Illinois all the swamp and overflowed lands within her borders, (under which class it is supposed the above described lands will come,) and suspended from sale all lands within eighteen miles of the third principal meridian line, the above described lands being included.

And whereas the said Daniel H. Brush and Alexander P. Gross, in the assurance of being able to secure said land, went upon the same and have there expended an amount of money exceeding the sum of one thousand dollars; which will be a total loss to them unless they can yet succeed in getting said land, and have used all reasonable diligence to enter the same, having been always ready and anxious to pay over the money for the same, but have been, by the circumstances aforesaid, prevented from so doing; therefore,

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the said Daniel H. Brush and Alexander P. Gross shall be (if the above described lands fall to the state of Illinois, in consequence of the grant of the general government to the state of all the swamp and overflowed lands,) allowed and permitted to enter the same within twelve months from the time the said lands are subject to sale, by paying therefor the amount required to be paid for such lands, and in such manner as may be directed by law, any law to the contrary notwithstanding. Pre-emption allowed.

§ 2. This act shall take effect from and after its passage.
APPROVED February 15, 1851.

AN ACT authorizing E. G. Sanger to collect the back taxes for the years 1847, 1848 In force Feb. 15,
and 1849 in the county of Peoria. 1851.

Whereas the people of the state of Illinois have recently Preamble.
recovered a judgment for the sum of \$7,072 42 against William S. Moss, Clack Cleveland and John Evalt, as securities of William Compher, late sheriff and collector of Peoria county, upon the official bond of said Compher for the faithful performance of his duties as collector of Peoria county, for the year 1849, executed by said Compher as principal, and said Moss, Cleveland and Evalt as securities; which said judgment said Moss, Cleveland and Evalt are liable to pay; and whereas said Compher has

departed from the state, leaving a considerable amount of taxes for the years 1847, 1848 and 1849 still in arrear and unpaid, and Ezra G. Sanger having been appointed receiver by the circuit court of Sangamon county, to collect all debts and demands due to said Compher, from all persons whomsoever, for the benefit of the state or said securities, and executed a bond, with approved security, for the faithful performance of his duties; therefore,

Collector appointed.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That* Ezra G. Sanger be and he is hereby fully authorized and empowered to collect and receive all taxes, both state and county, still remaining unpaid in Peoria county, for the years 1847, 1848 and 1849, upon the assessments of said years, and that he be empowered to enforce the collection of said taxes by distress and sale of personal property, and by sale of real estate, and all other ways and means, in the same way and manner that said collector might have done during his continuance in office; and further, that it shall be lawful for said Sanger to obtain a judgment against all lands and town lots upon which taxes remain unpaid, for any of said years, at any regular term of the county court of said Peoria county, upon giving the notice and making the report required to be given and made in cases of applications for judgments and sales by sheriffs or collectors: *Provided*, that sales of real estate conveyed subsequent to the time at which it might have been sold for the taxes due as aforesaid, shall be void.

To obtain judgment.

Proviso.

Title.

§ 2. That the same title shall be vested in the purchaser of property, real or personal, purchased under this act, as would be vested in said purchaser had such sale been made by said collector during his continuance in office, in accordance with all the provisions of law.

Fees.

§ 3. That said E. G. Sanger be entitled to the same fees, costs and charges for his services in collecting the said taxes, as said collector would have been entitled to for the same services: *Provided*, that no fees, costs or charges shall be credited on the judgment aforesaid, nor be paid by the state.

Proviso.

§ 4. This act to be in force from and after its passage.
APPROVED Feb. 15, 1851.

In force April 18, 1851. AN ACT to amend chapter eighty-eight of the Revised Statutes, approved March 5^d, 1845, entitled "Replevin."

Goods not found, value thereof recoverable.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That*

whenever in any action of replevin the goods and chattels specified in the writ of replevin to be replevied cannot be found by the officer having such writ, or shall not have been delivered to the officer, the defendant shall be summoned by virtue of such writ by the officer reading the same to him, to appear and answer to the plaintiff's action for the recovery of the value of such property. Such reading of the writ to have the same force and effect as the service of summons in other actions.

§ 2. In such action of replevin, in case the property named in such writ shall not be found or replevied, or shall not have been delivered as aforesaid, and the defendant shall have been summoned as aforesaid, the plaintiff may file his declaration in trover, and the cause shall be heard and determined as other actions of trover; and the plaintiff, if he shall recover, shall be entitled to judgment and execution for the value of such property, or of his interest therein, and such damages as he shall have sustained by reason of the wrongful taking or detention thereof, together with the costs of suit.

Declaration in trover, to be filed.

APPROVED February 15, 1851.

AN ACT supplemental to an act entitled "An act making appropriations for the pay of the members and officers of the general assembly, and for the salaries of the officers of the government until the adjournment of the next regular session," approved February 12, 1849. In force Feb. 15, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That there shall be allowed to the secretary and assistant secretary, and sergeant-at-arms of the senate, to the clerk and assistant clerk and principal door-keeper of the house of representatives, the sum of five dollars per day; to the enrolling and engrossing clerks and assistant sergeant-at-arms in the senate, and the enrolling and engrossing clerks and assistant door-keeper of the house of representatives, the sum of four dollars per day, any thing in the act to which this is a supplement to the contrary notwithstanding. Compensation to officers of general assembly.

APPROVED February 15, 1851.

AN ACT submitting to the people an amendment to the constitution.

In force April 18, 1851.

Whereas at the last session of the general assembly an amendment to the constitution of this state was proposed in Preamble.

the senate, and agreed to by two-thirds of all the members elect previous to the general election held for members of the house of representatives, on the Tuesday next after the first Monday in November, eighteen hundred and fifty, and referred to the present session of the general assembly, and agreed to by a majority of all the members elect, in each branch thereof; which amendment was and is proposed as a substitute for, and to stand in the place of the fifteenth article of the constitution; which amendment is in the words and figures following, to wit:

“ARTICLE 15.

“There shall be annually assessed and collected, in the same manner as other state revenue may be assessed and collected, a tax of two mills upon each dollar's worth of taxable property, in addition to all other taxes, to be applied as follows, to wit: The fund so created shall be kept separate, and constitute a sinking fund, to be used in such manner as may be prescribed by law, for the purpose of purchasing, in open market, any of the indebtedness of the state, bearing interest, other than the canal registered indebtedness, the school indebtedness, [and such other indebtedness] as is not fully recognized by the laws of the state;” therefore,

Amendment submitted to the people.
Ticket.
Clerk of election, duty of.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the said amendment be submitted to the people at the general election to be held on the Tuesday next after the first Monday in November, in the year one thousand eight hundred and fifty-two, for the adoption or rejection, in manner following: It shall be the duty of each elector voting at said election for members of the house of representatives in the several counties in this state, to cause to be written or printed on his ballot the word “adopt,” or “reject,” as he may vote for or against said amendment.

§ 2. When the judges of election, or board and clerk, shall canvass the votes polled at the places, respectively, of holding said election, and shall have made the ballots to agree with the poll list as aforesaid, in the 17th section of the act passed on the twelfth day of February, eighteen hundred and forty-nine, entitled “An act to provide for the mode of voting by ballot, and for the manner of returning, canvassing and certifying votes,” the clerks shall carefully mark down, in a column provided for that purpose, appropriately headed, the number of votes cast in favor of the proposed amendment, and designated by the word “adopt,” written or printed on the ballots, and shall also carefully mark down in a column, to be appropriately headed, the

whole number of votes cast for members of the house of representatives.

§ 3. As soon as the number of votes given for the said amendment and the whole number of votes given for members of the house of representatives, at the respective places of holding said election, are ascertained, the judges, or board of election, shall make out a certificate, under their hands, stating the number of votes given for said amendment, and the whole number of votes given for members of the house of representatives, in the form and manner prescribed in the twenty-third section of the thirty-seventh chapter of the Revised Statutes, entitled "Elections," and shall cause said certificate, sealed up, as now required by law, to be delivered to the clerk of the county court, within the time and at the places now required by law for the returns of elections. ^{Judges to certify.}

§ 4. When the clerk of the county court shall have received the returns of the several precincts of his county, he shall canvass the same, and certify, under the seal of his office, the number of votes given for said amendment in the county of which he is such clerk, and also the whole number of votes given in such county for members of the house of representatives, and shall transmit the same by mail to the office of the secretary of state, indorsed "vote of the county on the amendment of the constitution." ^{Clerk to certify.}

§ 5. Upon the receipt of the said returns from all the counties in the state at the office of the secretary of state, he shall so inform the governor, and in the presence of the governor shall open and canvass the said returns; and if a majority of all the votes cast for members of the house of representatives shall be in favor of said amendment, he shall so declare by proclamation, in all the newspapers printed at the seat of government. ^{Proclamation.}

APPROVED Feb. 15, 1851.

AN ACT to amend an act entitled, "An act supplemental to an act entitled an act to provide for a general system of railroad incorporations," approved November sixth, one thousand eight hundred and forty-nine. ^{In force Feb. 15, 1851.}

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That for the payment of the annual interest which may accrue upon any bond or bonds which may be hereafter issued by the county court of the county of Jo Daviess, in payment for stock which may be subscribed by the said county, to the capital stock of the Galena and Chicago Union Railroad company, in pursuance of the provisions of the act to which* ^{Tax to pay in interest on bonds.}

this is an amendment, the said county court shall be and they are hereby authorized and empowered to levy a tax, not exceeding four mills to the dollar, on the valuation of the real and personal property in said county; which said tax shall be collectable and payable in gold and silver only, and be applied to the purposes aforesaid, and no other.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED February 15, 1851.

In force Feb. 15,
1851.

AN ACT to change the time of holding courts in the fourth judicial circuit.

First judicial
circuit.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the fourth judicial circuit in this state shall be composed of the counties of Crawford, Lawrence, Richland, Clay, Effingham, Jasper, Cumberland, Coles and Clark; and that the courts of the fourth judicial circuit shall hereafter be held in the county of Crawford on the first Mondays in March and September; in the county of Lawrence, on the first Mondays thereafter; in the county of Richland, on the first Mondays thereafter; in the county of Clay, on the first Mondays thereafter; in the county of Effingham, on the first Fridays thereafter; in the county of Jasper, on the first Wednesday thereafter; in the county of Cumberland, on the first Monday thereafter; and in the county of Coles, on the first Friday thereafter; and in the county of Clark, on the first Saturday thereafter.

Times of hold-
ing court.

Writs, &c, re-
turnable.

§ 2. That all writs, process and other proceeding made or to be made returnable in the circuit courts of the said several counties, on the several days now fixed by law for the commencement of the terms of said courts, shall be regarded and held as returnable to the terms of the said circuit courts as hereinafter established; and no such writ, process or other proceeding shall be quashed or set aside, or any cause continued, because of the omission of the return day therein as fixed by this act.

Secretary of
state to furnish
copy.

§ 3. This act to take effect and be in force from and after its passage. And it is hereby made the duty of the secretary of state to furnish a copy of this act to the clerks of the several courts hereinbefore mentioned, immediately after the passage of the same.

Laws repealed.

§ 4. All laws coming within the purview of this act are hereby repealed.

APPROVED Feb. 15, 1851.

AN ACT to provide for the dedication of land for cemetery purposes.

In force April
18, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That any person or persons, desiring to dedicate any lot of land, not exceeding five acres, as a burying ground or place for the interment of the dead, for the use of any society, association or neighborhood, may, by deed duly executed or recorded, convey such land to the county in which it is situated, by the corporate name of such county, specifying in such deed the society, association or neighborhood for the use of which the dedication is desired to be made, and thereby vest the title to such land in perpetuity, for the uses stated in the deed, and such land shall be thereafter exempt from taxes for all purposes whatever.

Dedication of
land.

§ 2. If any person shall wilfully or maliciously cut down, break down, level, demolish or otherwise destroy, injure, or damage any railing, fence or other inclosure around or upon any land conveyed under the provisions of this act, or any gate or post thereon, or shall remove, break, injure or deface any tomb or other stone, or any post, plank or board, or any inscription thereon, or shall cut down, destroy, injure or remove any tree or shrub, standing or growing upon such land, shall be liable to indictment, and, upon conviction thereof, to be fined not less than ten dollars nor more than one hundred dollars.

Penalty for
damages.

APPROVED Feb. 15, 1851.

AN ACT making an addition to the county of Putnam.

In force Feb. 15,
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That township number thirty-one (31) and thirty-two (32,) north of the base line, and range one east of the third principal meridian, be and the same are hereby attached to the county of Putnam: *Provided, always,* that polls shall be opened at the several places of holding elections in the counties of Putnam and La Salle, at the next November election, to be held on the Tuesday after the first Monday in November next, when and where the legal voters of said counties shall vote—those of the county of Putnam, for or against annexing; those of the county of La Salle, for or against annexing; and if it shall be found, upon canvassing the votes, that a majority of the voters voting for or against in the county of Putnam are in favor of receiving; and a majority of the voters voting for and against in the county of

Addition.

Proviso.

Election to be
held.

La Salle are in favor of annexing, then, and from thenceforth, the said township shall be and remain part and parcel of the county of Putnam.

Clerk to transmit returns.

§ 2. It shall be the duty of the clerk of the county court, immediately after the polls of said election shall have been canvassed, to transmit a certified statement of said vote to the secretary of state, who shall file the same in his office.

APPROVED Feb. 15, 1851.

In force April 18, 1851. AN ACT authorizing incorporated cities to change, alter and vacate streets or parts of streets.

Corporate authorities, power of.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That when the corporate authorities of any city may deem it for the best interest of their respective cities that any street or part of a street shall be changed, altered or vacated, said authorities shall have the power, upon the petition of the property holders owning property on such street or part of street, to change, alter, or vacate the same, and to convey, by quit-claim deed, all interest which said city may have had in the street or part of street so vacated, to the owner or owners of lots and lands next to and adjoining the same, upon the payment by such owner or owners of all assessments which may be made against their lots or lands, for and on account of benefits to the same arising from such change, alteration or vacation of any street or part of street as aforesaid.

Damages assessed.

§ 2. The benefits and damages caused by changing, altering or vacating any street or part of street as aforesaid, shall be assessed and determined in the manner pointed out by the act incorporating such city, or by the ordinances thereof in other cases.

APPROVED Feb. 15, 1851.

In force March 1, 1851.

AN ACT in relation to weights and measures.

Weight of corn.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That from and after the passage of this act, whenever any Indian corn shall be sold by the bushel, and no specified agreement

as to the weight or measure shall be made by the parties, the bushel of corn shall consist of fifty-six pounds.

§ 2. This act to take effect from and after the first day of March next.

APPROVED Feb. 15, 1851.

AN ACT to establish the town of Florence and Wesley, and for other purposes. In force Feb. 15, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That that portion of the town of Wilmington, in Will county, known and designated as township thirty-three north, range ten east, be and the same is hereby stricken off the said town of Wilmington, and is hereby erected into and established as the town of Florence, with all the privileges and immunities of other towns heretofore organized or hereafter to be organized in counties where township organization has been or may be adopted: *Provided*, that this act shall in no way affect the collection of taxes heretofore levied in said town of Wilmington. Town established.

§ 2. Said town of Florence shall hold its first annual town meeting on the first Tuesday in April next, and notices thereof shall be given in accordance with section nine of article first of an act entitled "An act to provide for township and county organization, under which any county may organize whenever a majority of voters of said county, at any general election, shall so determine," approved February twelfth, one thousand eight hundred and forty-nine; and the voters of said town of Florence shall then proceed to organize and elect town officers, to fix the place of holding future town meetings, and may transact such other business as other towns may under township organization. And when such towns shall have elected their said officers, the said town shall thereupon be considered fully organized. That so much of the town of Wilmington, in Will county, as is contained in that part of town thirty-two, in range ten east of the third principal meridian, as lies north of the Kankakee river, be and the same is hereby set off from the Wilmington township, and the inhabitants of said territory so set off may organize in the same manner as is provided by this act, and enjoy all the privileges that the said territory might have done had they been organized under the previous organization; and that said town be called "Wesley;" also, that such part of town thirty-seven, range ten, in Will county, as lies east of the Desplaines river, shall be set over to Du Page township. Time of holding town meeting.
Election.
The town of Wesley, how organized.

Secretary of
state to furnish
copy of act.

§ 3. The secretary of state shall forthwith furnish the clerk of the county court of Will county with a copy of this act, and this act shall take effect upon its passage.

APPROVED Feb. 15, 1851.

In force Feb. 15, 1851. AN ACT to establish a state road from the town of Brooklyn, in the county of Massac, to the town of Frankfort, in the county of Franklin.

Commissioners
app int'd.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That Benasser Thompson, of Massac county; George W. Waters, of Pope county; John T. Davis, of Williamson county, and George W. Aiken, of Franklin county, be and they are hereby appointed commissioners to lay out and establish a state road, which shall commence at the town of Brooklyn, in the county of Massac, and run thence, on the most eligible route, through the county of Pope, to Sarahsville, in the county of Williamson, and thence through said county of Williamson, on such ground as shall be selected by said commissioners, to the town of Frankfort, in the county of Franklin.*

To take oath.

§ 2. Said commissioners shall meet on or before the first day of June, one thousand eight hundred and fifty-one, at the house of the said John T. Davis, in the county of Williamson, or as soon thereafter as may be practicable, and take an oath before some justice of the peace of the said county of Williamson, faithfully to perform the duties required of them by this act.

To make plats.

§ 3. When said commissioners shall have viewed the said route for said road, and shall have established the same, it shall be their duty to make four plats of the same, and deposite one of said plats with the county court of each of the said counties of Massac, Pope, Williamson and Franklin; which said plats shall be recorded by the clerk of each of said counties respectively.

Clerk to record.

Plats to be evidence.

§ 4. When said plats shall be so recorded as aforesaid, they shall be evidence in any of the courts of this state, of the establishment of said road.

APPROVED Feb. 15, 1851.

In force Feb. 15,
1851.

AN ACT to locate a state road therein named.

Commissioners.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That Henry*

Newton, of Adams county, and Stephen L. Weston, Isaac Gibson, of Hancock county, are hereby appointed commissioners to view, mark and locate a state road from the town of Lima, in Adams county, to the town of Warsaw, in Hancock county, on the best and nearest route, following, as near as may be practicable, the telegraph line.

§ 2. Said commissioners, or a majority of them, shall ^{To take oath.} meet at Warsaw, on the first Saturday in the month of March next, or within one month thereafter, and after being duly sworn before some justice of the peace of the state, faithfully to perform the duties of this act, shall proceed to lay out said road as provided in the preceding section, and shall designate the route of said road, by placing stakes in the prairie and blazes on the trees in the timber. The said commissioners shall, as soon as the road is laid out, make ^{To lay out road.} and file a report and plat of said road, showing the course and distances from point to point; which plat, when so made, shall be certified by said commissioners, and a copy thereof filed in the offices of the clerks of the county courts of said counties of Hancock and Adams.

§ 3. The said commissioner shall make out and present ^{Commission.} to the county court, or to the supervisors' court, whichever may be doing county business at the time, through which said road may pass, a certified copy of the time and number of hands necessarily employed in each county, and thereupon it shall be the duty of said court to make a compensation for the sums severally due, allowing to each commissioner the sum of one dollar and fifty cents, and to each hand one dollar, and to the surveyor two dollars per day, for every day necessarily employed in locating said road through their respective counties.

§ 4. Said road, when so laid out, shall be and the same ^{To be a state} is hereby declared a state road, and shall be opened four ^{rd. d.} poles wide, and kept in repair as other state roads. And it is hereby made the duty of the road commissioners, or supervisors of the respective counties, to proceed, immediately after the location of said road, to work the same from the northern limits of the corporation of the town of Lima to the southern line of the corporation limits of the town of Warsaw.

§ 5. This act to take effect from and after its passage.
APPROVED Feb. 15, 1851.

liam W. Ellis, of the county of Greene; Sidney S. Duncan, of Morgan county, and William Butler, of Sangamon county, be and they are hereby appointed commissioners to view, survey, mark and locate a state road from Springfield, in Sangamon county, to Waverly, in Morgan county, and to Carrollton, in Greene county, on the nearest and best road, doing as little damage as [possible] to private property. The said commissioners, or a majority of them, shall meet at Waverly, on the first Monday in April next, or within three months thereafter; and, after taking an oath before some justice of the peace faithfully to perform the duties required of them by this act, shall proceed to view, mark and locate said road; shall make a report of the location of said road, giving the most noted points thereon, and return a copy of said report to the clerk of the county court of each of said counties through which said road passes; which shall be filed by him in his office; and said road thus laid out is hereby declared a public state road, and shall be opened and kept in repair in the same manner as other public roads are.

To take oath.

To lay out road.

Make report to county clerk.

To be a state road.

Compensation.

§ 2. The county courts of the respective counties through which said road shall be located, shall cause to be paid to the said commissioners a reasonable compensation for their services, out of the county treasury; each county to bear her equal proportional part of said expense, according to the distance said road passes through the same.

APPROVED February 15, 1851.

In force April 18, 1851. AN ACT to amend chapter thirty-nine of the Revised Statutes, entitled "Estrays."

Estrays to be sold.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That it shall be lawful for any person taking up an estray or fattened hog, between the first of November and first of March, after complying with the provisions of sections one and three of the act to which this is an amendment, and stating on oath that he believes said estray has strayed from some drove, if no owner shall appear to prove said estray within the time specified in said notice, to sell said estray to the highest bidder, after giving public notice of such sale ten days previous thereto; the proceeds to be disposed of as now provided by law in other cases.

APPROVED Feb. 15, 1851.

AN ACT in relation to the election of constables in the township of Waukegan, in Lake county. In force Feb. 15, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That at the annual town meeting in April next it shall be lawful for the legal voters of the township of Waukegan, in Lake county, to elect three constables; and any person who shall be a legal voter in said town, at such town meeting, shall be eligible to the said office of constable. Constables to be elected.

§ 2. This act to take effect from and after its passage.
APPROVED February 15, 1851.

AN ACT to amend an act entitled "An act authorizing the building of two bridges across Fevre river, in the city of Galena," approved January sixteenth, one thousand eight hundred and forty-seven. In force Feb. 15, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the county court of the county of Jo Daviess be and they are hereby authorized and empowered to contract with the authorities of the city of Galena, for the purchase of the two toll-bridges across Fevre river, within the limits of the said city, upon such terms as may be mutually agreed upon between the said county and city, and for the payment of the purchase money therefor, the said county court be and they are hereby authorized to issue the bonds of the said county, running for the period of ten years from the date thereof, and bearing interest, payable annually, at and after the rate of six per cent. per annum. County to buy bridges.
To issue bonds.

§ 2. That from and after the purchase of the said bridges by the said county court, as herein before provided, the said bridges shall be and forever remain free from toll or assessment, for the crossing of all persons and property, any thing in the act to which this is an amendment to the contrary notwithstanding. Bridges free.

APPROVED February 15, 1851.

AN ACT to create the town of Mendon, in the county of Adams.

In force Feb. 15, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That so much of the town Ursa, in Adams county, as lies east of a line commencing at Bear creek, on the north side of said town, Change town.

and running south to the base line, including the four tiers of sections on the east side of said town of Ursa, be stricken off said town of Ursa.

Mendon created.

§ 2. The said four tiers of sections so stricken off be and the same shall constitute a town, to be called the town of Mendon.

Election.

§ 3. There shall be an election held in the town of Mendon, at their usual place of voting in said town, on the first Tuesday in April next, for the same township officers that all other townships are now entitled to by law.

Powers of officers.

§ 4. And such township officers, when elected, shall be entitled to the same fees and shall exercise the same jurisdiction, and, moreover, shall be subject to the same penalties, as the township officers now in office.

§ 5. This act to take effect and be in force from and after its passage.

APPROVED Feb. 15, 1851.

In force Feb. 15, 1851.

AN ACT to add a part of the territory of Christian county to Shelby county.

Preamble.

Whereas a majority of the voters residing in township eleven north, range one east, in Christian county, have petitioned that said township be attached to the county of Shelby; therefore,

Counties changed.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That said township eleven north, of range one east, in Christian county, be stricken therefrom, and added to the county of Shelby: *Provided*, that an election shall be held in the county of Christian on the first Monday of July next, at the usual places of holding elections, to vote for or against the striking off the said township from the county of Christian; and on the first Monday of July next, an election shall be held in the county of Shelby, at the usual places of holding elections, to vote for or against receiving the said township as a part of the county of Shelby: *And provided, further*, that a majority of all the legal voters of the county of Christian, voting on the question at said election, shall be in favor of striking off said township, and that at said election a majority of the voters of Shelby county shall be in favor of receiving the said township, then the said township eleven north, of range one east, shall be added to the county of Shelby.

Proviso.

Election.

How held.

§ 2. The election to be held as provided in the foregoing section shall be conducted, notices given and returns made in the same manner as is required by the thirty-

seventh chapter of the Revised Statutes, entitled "Elections," and "An act to provide the mode of voting by ballot, and for the manner of returning, canvassing and certifying votes," approved Feb. 12, 1849.

§ 3. It shall be the duty of the clerk of the county court of Christian county, so soon as the results of said election shall be ascertained, to make a certificate thereof, under the seal of the court, and transmit the same to the clerk of the county court of Shelby county, and the clerk of the county court of Shelby county shall, also, as aforesaid, make out and transmit to the clerk of the county court of Christian county a certificate of the result of the election in said county; which certificates shall be entered upon the records of each of said courts, and each of said clerks shall also enter upon said records the result of said elections in his respective county, at the next term of the court after said elections.

Clerk to make return.

§ 4. This act shall be in force from and after its passage, and a certified copy thereof shall be transmitted to the clerks of the county courts of Christian and Shelby counties, by the secretary of state, immediately after the passage.

Copies to be transmitted.

APPROVED February 15, 1851.

AN ACT to legalize assessments heretofore and hereafter to be made.

In force Feb. 15, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That where any county or township assessor has heretofore failed, or shall hereafter fail to complete or finish his assessment in the time required by law, such failure shall not vitiate such assessment, but the same shall be as legal and valid as if the same had been completed in the time required by law: Provided, that this act shall not release any such assessor of any county or township from any liability imposed by law for the non-fulfilment of his duty.*

Assessments legalized.

This act to take effect and be in force from and after its passage.

APPROVED Feb. 15, 1851.

AN ACT to authorize the receipt of the outstanding notes of the old State Bank of Illinois, into the treasury of this state.

In force Feb. 15, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That the*

Treasurer to receive bills of old state bank.

treasurer of the state be and he is hereby authorized and required to receive as revenue such outstanding notes or bills of the State Bank of Illinois as were issued under the provisions of an act of the general assembly of this state entitled "An act establishing the State Bank of Illinois," passed A. D. eighteen hundred and twenty-one, and shall allow the two per cent. interest thereon authorized by said act.

The same to be registered and cancelled.

§ 2. The treasurer shall register and cancel said notes, and return the same to the auditor's office, and the auditor shall pass the same to the credit of the treasurer, as is now required in cancelling and returning auditor's warrants.

§ 3. This act shall take effect and be in force from and after its passage.

APPROVED February 15, 1851.

In force Feb. 15,
1851.

AN ACT for closing the affairs of the Bank of Illinois.

Successors to assignees.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That William Brown, Joseph Gillespie and Albert G. Caldwell, or either of them who may give bond in pursuance of an order or decree of the circuit court of the United States for the district of Illinois, rendered at the last term of said court, shall be held, deemed and considered as the legal successor or successors of the assignees of the Bank of Illinois, and as such shall have the right to sue and be sued, to prosecute and defend all suits already brought in the name of said assignees, and to sue out executions on all judgments rendered in favor of the said Bank of Illinois, or the assignees of said bank; which execution shall issue in the names in which the judgments have been rendered, for the use of the said successors, and be controlled and collected by the said successor or successors, as they might have been by said bank or said assignees, at the time said judgments were rendered.*

Their powers.

Agents may be appointed.

§ 2. Said successor or successors as aforesaid may appoint as many agents as he or they may deem necessary, to assist in the collection of the debts due said bank, or the management of the real estate thereof, as he or they may find necessary.

Sale of real estate.

§ 3. Said successor or successors shall have the same right to sell and convey all the real estate belonging to the fund of said bank, whether acquired by said bank or by the assignees thereof, as said assignees have heretofore had.

§ 4. Said successor or successors shall have the right ^{Compromises.} to make such compromises as they may deem proper, of the debts due the said bank, having a due regard to the rights of the creditors of said bank.

§ 5. This bill shall take effect from and after its passage.

APPROVED Feb. 15, 1851.

AN ACT to provide for the assessment of property in the city of Quincy for state taxes, ^{In force Feb. 15, 1851.} and for the collection of taxes therein for the year one thousand eight hundred and fifty, and for subsequent years, and for exempting the city of Quincy from the operation of the law authorizing township organization.

SECTION 1. *Be it enacted by the people of the State of* ^{City assessor to assess state taxes.} *Illinois, represented in the General Assembly, That it shall be the duty of the city assessor, for the time being, of the city of Quincy to assess all property, real and personal, within the limits of said city, for state taxes of the year one thousand eight hundred and fifty, and each and every subsequent year; said assessor first being sworn faithfully to discharge the duties appertaining to such office as now provided by law in the case of county assessors.*

§. 2. That it shall be the duty of the city collector of ^{City collector to collect state taxes.} said city of Quincy to collect the state taxes for the year one thousand eight hundred and fifty, due on the property within the limits of said city, as assessed by the assessor, as provided for in the foregoing section; and also that the successor or successors of said collector shall hereafter collect all state taxes which may be assessed against the property within the said city limits, he or they first giving bond as is now required by law to be done by sheriffs, who are *ex officio* collectors in their several counties, and subject to all restrictions and requirements of the revenue laws now in force.

§ 3. That the city of Quincy shall be exempt from the provisions of the act for township organization, heretofore passed or that may be hereafter passed: *Provided*, that nothing in this act shall prevent the legal voters in the city of Quincy from voting on township organization at the regular election held by the county for that purpose.

APPROVED Feb. 15, 1851.

In force Feb. 15, AN Act to amend the 24th chapter of the Revised Statutes, entitled "Conveyances." 1851.

Certificate of official character of justice not required.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That all deeds, mortgages and other instruments in writing, relating to or effecting any lands, tenements or hereditaments, situate within this state, which have been executed and acknowledged before any justice of the peace of any county in this state, other than the one in which such lands, tenements or hereditaments lie, and which have been recorded in the county where such lands, tenements or hereditaments do actually lie, shall be adjudged and treated by all courts as legally executed and recorded, notwithstanding there is no certificate attached to said mortgage or other instruments by the proper officer, that the justice of the peace before whom said deed, mortgage or other instrument was acknowledged, was at the time of the said acknowledgment an acting justice of the peace of the county in which said deed, mortgage or other instrument purports to have been acknowledged.*

Notice to purchasers.

§ 2. That the record of all such deeds, mortgages or other instruments in writing, so acknowledged as aforesaid, shall be taken, and the same is hereby declared to be good and effectual in law to charge any purchaser, mortgagee, or creditor, with notice of the existence of such deed, mortgage or other instrument in writing, from and after the time when such deed, mortgage or other instrument was actually filed for record in the proper office.

Certified copies, effect of.

§ 3. That certified copies from the said record, properly authenticated, shall be received in all courts and places as evidence of the due execution and recording of every such deed, mortgage or other instrument in favor of the person or persons who claim or desire to deduce a title under any such deed, mortgage or other instrument, against all persons denying such title or claiming adversely to the same: *Provided, however,* that the person or persons offering in evidence any such deed, mortgage or other instrument, shall exhibit, with a certified copy of the same, a certificate of the clerk of the county court of the county where such deed, mortgage or other instrument was acknowledged, that the justice of the peace before whom the same purports to have been acknowledged, was, on the day of the date of such acknowledgment, an acting justice of the peace of the said county, duly elected and qualified.

Proviso.

Duty of clerk.

§ 4. That it shall be the duty of the proper clerk, on the presentation of a certified copy of every such deed, mortgage or other instrument, at the request of the person who desires to use the same as evidence, and upon tender of his reasonable fees, to annex the certificate required by the preceding section to such deed, mortgage or other instru-

ment, whenever the records and files of his office show the official character of such justice of the peace.

§ 5. *And be it further enacted*, That a certified copy of any deed, mortgage or other instrument affecting any real estate situate within this state, which has been acknowledged without this state, in conformity with the laws of the state where such deed, mortgage or other instrument was acknowledged, and which has been recorded in the proper county in this state, shall be evidence in all courts and places: *Provided*, the party offering such certified copy in evidence will exhibit with the same a certificate of conformity, as provided for in sixteenth (16) section of chapter twenty-four (24) of the Revised Statutes, notwithstanding said certificate of conformity has never been recorded.

Deed, &c., acknowledged without the state.

Prov. so.

§ 3. This act to take effect and be in force from and after its passage.

APPROVED Feb'y 15, 1851.

AN ACT requiring the sheriff of Sangamon county to pay certain fines to the treasurer of the city of Springfield. In force Feb. 15, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That all fines and forfeitures collected of any citizen of the city of Springfield, arising out of any indictment in the circuit court of Sangamon county, for any offence committed in said city, shall be paid over to the treasurer of the city of Springfield by the sheriff or other officer collecting the same.

Treasurer of Sangamon to pay over certain fines.

This act to be in force from and after its passage.

APPROVED February 15, 1851.

AN ACT to amend Revised Statutes, chapter 81, entitled "Penitentiary." In force Feb. 15, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That hereafter sheriffs shall be allowed, as a compensation for their services in carrying convicts to the penitentiary from any county in this state, the following fees, payable out of the state treasury, viz: Where only one convict is conveyed, at and after the rate of thirty-five cents for each and every mile necessarily traveled in going to the penitentiary from the place of conviction; where two convicts, tried and con-

Fees allowed to sheriff.

victed at the same term, and conveyed by the said sheriff, he shall receive at and after the rate of thirty-five cents per mile for the first, and twenty cents per mile for the second convict; where more than two are convicted at the same time, and conveyed to the penitentiary by the sheriff as aforesaid, he shall be allowed thirty-five cents per mile for the first, twenty cents per mile for the second, and fifteen cents per mile for each of the residue.

Acts repealed.

§ 2. All laws coming in conflict with the provisions of this act are hereby repealed.

This act shall take effect and be in force from and after its passage.

APPROVED Feb'y 15, 1851.

In force Feb. 15, 1851. AN ACT to exempt members of the fire department of Waukegan, Lake county, Illinois, from serving as jurors.

Exemption.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the members of the fire department in the town of Waukegan, in the county of Lake, be and they are hereby exempted from serving as grand or petit jurors in the said county, so long as they may continue members of said department, any thing in any laws of this state to the contrary notwithstanding.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED February 15, 1851.

In force Feb. 15, 1851.

AN ACT to attach certain townships therein named, for school purposes.

Fractional township attachment.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That hereafter fractional township twenty-three north, range three east, in Carroll county, be and the same is hereby attached to township number twenty-three, range four, in said county, for all school purposes, as it now is for election purposes.

APPROVED February 15, 1851.

AN ACT to allow the county court of Iroquois county to levy a tax.

In force Feb. 15,
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the county court of Iroquois county, be and they are hereby authorized and empowered to levy a special tax of one mill upon every one hundred dollar's worth of real or personal property in said county subject to taxation; said tax may be levied by said court by a special order, to be entered upon their records, at any regular or special term of said court. Special tax authorized.

§ 2. The assessor of said county for the year A. D. one thousand eight hundred and fifty-one shall enter the aforesaid tax in a separate column, upon all real and personal property contained in his list, in the same manner as the entry of other taxes is made, and shall make return thereof at the same time and in the same manner as his returns are made for state and county taxes, and the same shall be collected in the same manner and at the same time, in all respects whatsoever, as state and county taxes are collected, except that the same shall be payable only in gold and silver. Duty of assessor.

§ 3. The said taxes so collected shall be kept by the treasurer of said county as a separate fund, and shall only be appropriated, under the orders of the county court of said county, to the following objects, to wit: Manner of collection.

First. To the payment of debts incurred by reason of building the court-house in said county.

Secondly. If any surplus remains, the same may be applied in building a jail for said county.

§ 4. The secretary of state shall forthwith furnish to the clerk of the county court of Iroquois county a certified copy of this act. Appropriation of tax.

§ 5. This act to be in force from and after its passage.

APPROVED Feb. 15, 1851.

AN ACT to amend the act entitled "An act to provide for the right of way for the purposes therein expressed," approved February twelfth, A. D. one thousand eight hundred and forty-nine. Duty of secretary of state.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the third section of said act be amended so as to extend the time for its completion five years from and after the passage of this act. Time extended.

APPROVED Feb'y 15, 1851.

In force Feb. 15,
1851.

AN ACT to legalize the assessment of taxes in Monroe county.

Assessment legalized.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That the assessment of taxes in and for the county of Monroe, in this state, for the year A. D. one thousand eight hundred and fifty, be and the same is hereby legalized.*

§ 2. This act to take effect and be in force from and after its passage.

APPROVED Feb. 15, 1851.

In force Feb. 15,
1851.

AN ACT to pay a state's attorney therein named for services.

Preamble.

Whereas it has been made to appear that Charles Gardner has performed the duties of state's attorney, during the sessions of the Lake county circuit court, under the appointment of the judge holding the said court; therefore,

Allowance to Charles Gardner for legal services.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That the said Charles Gardner be and he hereby is allowed for his said services as such state's attorney the sum of seventy-five dollars, to be paid to him out of any moneys not otherwise appropriated in the treasury; and the auditor of public accounts is hereby authorized and required to draw his order on the treasurer in favor of said Charles Gardner, for said sum of money, and deliver the same to said Gardner, or his attorney, upon demand.*

This act to be in force from and after its passage.

APPROVED Feb. 15, 1851.

In force Feb. 15,
1851.

AN ACT to permanently locate a part of a state road in the county of Bond.

State road established.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That so much of the road from Vandalia to Greenville, beginning at the Fayette county line and running westwardly to the east side of John Hall's grove, a distance of about seven miles, as now traveled and kept in repair, be and the same is hereby [declared] a state road, and the same shall be kept in repair as other state roads.*

§ 2. This act shall take effect from and after its passage.

APPROVED Feb. 15, 1851.

AN ACT to pay the expenses of two joint select committees therein named.

In force Feb. 15,
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the auditor of public accounts be and he is hereby directed to issue his warrant upon the treasurer for the sum of fifty dollars, in favor of and to each of the joint select committee, to wit: J. L. D. Morrison, A. J. Kuykendall, J. C. Davis, H. Patterson and John Carlin, appointed by the general assembly to visit the dykes opposite the city of St. Louis, and who did, in accordance with such appointment, visit said dykes; and, also, in favor of and to each of the joint select committee, to wit: H. S. Osborn, Newton Cloud, William Reddick, P. Maxwell, W. S. Jones, W. Farrell, Daniel Wilson, H. Swan and J. C. Moore, all of the necessary expenses of and actually paid out by each member of said committees, to be determined by the certificate of each member thereof, to be filed with the auditor before the warrants shall be drawn.

Appropriation
to joint com-
mittees.

§ 2. That the treasurer be and he is hereby directed to pay the warrants directed to be issued by the foregoing

Payments.

section, from any funds now in the treasury not expressly appropriated. That the sum of eleven dollars twenty-eight cents be and the same is hereby allowed to John Williams, of Springfield, for articles furnished the constitutional convention. That the sum of seventeen dollars thirteen cents be and the same is hereby allowed to Maro M. L. Read, for articles furnished the agent of the state in using the railroad from Springfield to the Illinois river.

Appropriation
to John Wil-
liams.

To Maro M. L.
Read.

§ 3. This act to take effect and be in force from and after its passage.

APPROVED Feb. 15, 1851.

AN ACT to amend an act, in force April thirtieth, one thousand eight hundred and forty-nine, entitled "An act to establish and maintain common schools."

In force Feb. 15,
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That section eighty-three of an act, in force April thirteenth, eighteen hundred and forty-nine, entitled "An act to establish and maintain common schools," be and the same is hereby so amended that a majority of the legal voters voting at any meeting legally convened for levying a tax, may levy such tax for any of the purposes specified in said act, any thing therein contained to the contrary notwithstanding.

Sec. 13 of school
law amended.

Time of notice.

§ 2. That the notice required by the eighty-second section of said act, for the purpose of convening a meeting to vote upon the question of taxation, shall be twenty days' notice, instead of ten days, as now provided by said section; and said notice shall, in addition to what it is now required to contain, substantially set forth the provisions of the first section of this act.

Tax for building school houses.

§ 3. That hereafter it shall be lawful for any school district in this state to levy, in the manner provided by this act and the act to which this is an amendment, for the purpose of building or repairing school houses, the sum of one dollar on each hundred dollars' worth of taxable property in the district.

Part of section 69 of school law repealed.

§ 4. That so much of section sixty-nine of the act aforesaid as requires the written consent of the district directors to authorize children to be sent from one school district into another to attend school, be and the same is hereby repealed, and hereafter children may be sent from one district to another as contemplated by said section, unless a majority of the directors of one of the districts interested shall object, in writing, by them signed, to the teacher to whom such children are sent or proposed to be sent; in which case such teacher shall forthwith notify the parents or guardians of such objection, and discharge or refuse to receive such children.

Certificates of qualification to teach.

§ 5. That hereafter no person shall receive in this state a certificate of qualification as a common school teacher who is not competent to teach all the seven branches enumerated in section thirteen of the act aforesaid, and so much of said act as authorizes district or township officers to examine teachers is hereby repealed, and hereafter school commissioners in all such examinations shall associate with them one or more competent persons, who shall assist in the same, and countersign all certificates of qualification given by such commissioners.

School directors to be a body corporate.

§ 6. That hereafter the board of directors in each and every school district in this state shall be deemed and are hereby declared a body politic and corporate, by the name of "school directors of district number —, township —, range —, county of —, state of Illinois," and by that name may sue and be sued, plead and be impleaded, answer and be answered unto in all courts and places whatsoever, and to have perpetual succession.

District collector and collection of teachers' wages.

§ 7. That in school districts where directors employ teachers for a stipulated monthly compensation, the inhabitants, legal voters, may, at the regular election of directors, also elect in the same manner a collector of teachers' wages, and at the close of each school term contracted for the directors shall hold a meeting, ten days' notice of which shall have been previously given in writing, in three public

places in the district, at which meeting the patrons of said school may appear and pay their dues; and the teacher shall also appear and exhibit the amount due from each patron, made out from his schedule, kept as required by law, charging each patron according to the number of days sent; at which time, also, said directors may hear proof and abate the dues of any indigent person not able to pay such dues, and deduct the amount of such abatements from the amount of school funds due upon said schedule, and after deducting the balance of the school funds due on said schedule, if any, from the bills due from the patrons, in just proportion, they shall deliver the unpaid bills so credited to said collector of teachers' wages, who shall proceed to make immediate demand of payment, and in ten days after such demand to collect the same by distress, in the same manner as is now provided by law for the collection of state and county taxes; and said collector shall give bond, payable to said directors for the use of the district, in the sum of three hundred dollars, conditioned for the faithful performance of his duties.

§ 8. Such collector shall be allowed six per cent. upon ^{Fees of collect-} the bills collected by him without distress; and where dis- ^{or.} tress is made, the same fees as are allowed in like cases to collectors of state and county taxes; in both cases be collected as costs from the delinquent.

§ 9. That if any officer whose duty it is, shall neglig- ^{Penalty for neg-} gently or wilfully fail to make, in the time and manner re- ^{lect of duty.} quired by law, the report, or discharge the duty enjoined upon him by way of furnishing information necessary to enable the state superintendent to make his biennial report in the time required by law, such delinquent shall be liable to a fine of twenty-five dollars, to be recovered before any justice of the peace, on information in the name of the people of the state of Illinois, for the use of the proper county.

§ 10. Township treasurers, or any other officer or officers ^{Treasurers not} who may be required to disburse any of the school funds ^{to pay money} according to the laws in force, shall not pay any moneys on ^{on schedules} schedules of schools not certified in proper form by the district school directors. ^{unless properly} ^{certified.}

§ 11. That all that part of section eighty-four of said ^{Part of sec. 84} act entitled "An act to maintain and establish common ^{of school law} schools," approved February twelfth, eighteen hundred and ^{repealed.} forty-nine, and in force April thirteenth, eighteen hundred and forty-nine, as requires the county courts of each county to pay the school commissioners of their respective counties an amount not exceeding two dollars per day for each day, not exceeding fifty days per year, while engaged in the discharge of their duties as *ex officio* superintendents of schools, be and the same is hereby repealed: *Provided, Provide.* that said school commissioners shall not be required to

perform the duties of public lecturer when they receive no compensation.

Re-sale of lands.

§ 12. Where any school commissioner of any county in this state shall have bought any school or other lands, for any debt or debts due the school fund in such county, the school commissioner may re-sell the same, under the provisions of the school law of this state regulating the sale of school lands.

Property of non-residents subject to taxation

§ 13. Where the inhabitants of any school district shall vote a tax upon their district for school purposes, according to provisions of this act, the tax so voted shall be levied and collected upon the property in said district belonging to non-residents, at the same rate and in the same manner that the tax is levied and collected on the property of residents of such district.

Persons whose residence is temporary not entitl'd to vote.

§ 14. That in elections under the provisions of the school laws of this state, persons whose residence is temporary, or who reside therein for the purpose of being educated, shall not be computed as inhabitants of the district, nor entitled to vote in said district in levying a tax for school purposes.

APPROVED Feb. 15, 1851.

In force Feb. 15, 1851.

AN ACT in relation to the records of the counties of Carroll and Putnam.

Indexes to recorder's books.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That the county court of Putnam county and the board of supervisors of the county of Carroll be and they hereby are authorized, each of them, to employ a competent person to make a complete index to the records in the recorder's office of their respective counties. There shall be an index of the names of the grantors and of the grantees, and also of the tracts or parcels of land; and the recorder of said counties, after said index or indexes shall be so made, is required to keep the same in that manner without additional compensation; and such index or indexes shall be kept in said recorder's office. The said persons so employed shall take an oath faithfully to perform the duties herein required of them, which may be taken before any justice of the peace, and shall be filed in the office of the clerk of the circuit court. The said county court and board of supervisors are each respectively authorized to pay the person so to be employed by them a reasonable compensation, out of any money in the treasury not otherwise appropriated.*

APPROVED February 15, 1851.

SECTION 1. *Be it enacted by the people of the State of* **Boundaries.**
Illinois, represented in the General Assembly, That the following described tract of country, lying within the following boundaries, to wit: beginning at the north-west corner of Macoupin county, running due south six miles, to the south-west corner of section thirty-one, township twelve north, range nine west; thence due east, twenty-four miles; thence due north, twelve miles, to the north-east corner of township thirteen north, range six west; thence due west, to the north-west corner of said township, on the range line between ranges six and seven; thence due north, ten miles, to the north-east corner of section thirteen, township fifteen north, on the range line between six and seven, to the Northern Cross railroad; thence due west, eleven miles, to the north-west corner of section seventeen, township fifteen north, range eight west; thence due south, six miles, to the north-east corner of section eighteen, township fourteen north, range eight west; thence due west, one mile; thence due south, one mile; thence due west, one mile; thence due south, one mile; thence due west, one mile; thence due south, one mile; thence due west, one mile; thence due south, one mile; thence due west, two miles; thence due south, one mile; thence due west, one mile; thence due south, five miles, to the place of beginning, all west of the third principal meridian, shall form and constitute one of the counties of the state of Illinois, to be called "Oregon."

§ 2. There shall be an election held at the different **Election.**
 places of voting for state officers, in the counties of Morgan, Sangamon and Macoupin, at the next general election for state and county officers, to be conducted by the judges and clerks of election that may then be in office, who shall conduct said election in all respects according to the election laws of this state; and all legal voters of the counties of Morgan, Sangamon and Macoupin counties shall be entitled to vote at said election, for or against the formation of said county of Oregon; and if a majority of all the votes given in each of said counties, for or against the creation of said county of Oregon, are for its creation, it shall forever thereafter constitute one of the counties of this state.

§ 3. Within three days after said election, the judges of **Returns.**
 said election, at the several places of voting in said counties, shall make returns of said election to the clerk of the county court of their respective counties. Said clerk shall proceed, within three days thereafter, to open said returns and make to the secretary of state, within five days after opening the same, a true statement of the number of votes given at said election, for and against the formation of said county of Oregon. The secretary of state shall, within five days after receiving said return, and

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if he finds that a majority of the votes given for and against the formation of said county are for its formation, he shall cause proclamation to be made thereof in all the newspapers published at the town of Springfield.

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es and con-
stables.

§ 4. If the county of Oregon shall be formed, according to the foregoing provisions of this act, there shall be an election held at the different places of voting for justices of the peace and constables in the limits of the county of Oregon. The election shall be conducted by the present judges of election in said county, who have been appointed by the counties of Morgan, Sangamon and Macoupin, according to the election laws of this state; at which election the legal voters of the county of Oregon shall elect all county officers for the county, who shall be qualified and commissioned as similar officers are in other counties of this state. Said officers so elected and qualified shall hold their offices until the next ensuing regular election for such officers, now provided by law, and shall have the same jurisdiction, and discharge all the duties in the limits of the county of Oregon that are required by law of similar officers in other counties in this state. Said election to be held on the first Monday after the proclamation of the governor declaring the creation of said county under the provisions of this act.

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§ 5. Within five days after said election, the judges of election at the different places of voting shall return the poll-books of said election to the town of Waverly, directed to E. D. Meacham, S. S. Duncan and John Scott, or their successors, three acting justices of the peace in the limits of said county; and the said justices shall meet in the town of Waverly, within seven days after said election, and proceed to open said election returns, and to do and perform all the duties in relation to said returns that are required by law of the clerks of county courts in relation to similar returns.

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§ 6. As soon as the county officers shall have been elected and qualified, as provided for in this act, the county court shall give notice of the same to the judge of the first judicial circuit, who shall hold courts in the said county at such place as may be provided and designated by the county court of said county, until the county seat of said county shall be located, as hereinafter provided for. Said county of Oregon shall form a part of the first judicial circuit, until otherwise directed by law.

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cements.

§ 7. Suits and indictments that have been commenced, or may hereafter be commenced, in the circuit courts of the counties of Sangamon, Morgan or Macoupin, by any of the citizens living in the limits of the county of Oregon, before the organization thereof, shall not be affected by this act, but all such suits so commenced shall be decided in the circuit court in the county where they were commenced.

§ 8. All justices of the peace and constables elected in the counties of Sangamon, Morgan or Macoupin, who reside in the limits of Oregon, shall hold their office and have jurisdiction in the said county of Oregon as though they had been originally elected in the said county. Justices of the peace and constables.

§ 9. The school fund belonging to the several townships in the said county of Oregon, and all notes and mortgages pertaining to the same, shall be paid and delivered over to the school commissioner of the county of Oregon by the school commissioners of the counties of Sangamon, Morgan and Macoupin, as soon as the said county shall be organized and the commissioner of school lands appointed and qualified according to law, together with all interest arising out of said money that has not been heretofore expended for school purposes, in those parts of the counties of Sangamon, Morgan and Macoupin now included in the county of Oregon. School funds.

§ 10. At the time and place of voting for county officers, as provided for in this act, the judges of election shall cause three places to be voted for as the county seat of the said county of Oregon; the places to be agreed upon by the voters of said county. The vote being taken for said county seat, all the legal voters of the county of Oregon shall be allowed to vote for one of the places as a candidate for the county seat, and after the votes shall have been opened and counted as provided in the second section of this act, if it shall appear that either of the three points has received a majority of all the votes given for the location of the county seat, the place so receiving a majority of votes shall be and remain the permanent seat of justice for said county of Oregon; but if on the votes being counted it shall appear that no one of the three places voted for shall have received a majority of all the votes given, the three justices of the peace mentioned in this act shall cause notice to be given to the judges of election at the different places of voting in the county of Oregon, and designate in such notices a day upon which to hold a second election for the location of a seat of justice for said county. The judges of election, on receiving said notice from the justices of the peace, shall proceed to give public notice of said election, by posting up written notices in four of the most public places in their respective districts, and the said judges of election shall attend on the day of election and shall open the election, according to the laws of this state, for the location of a county seat, and the two places which shall have received the highest number of votes for the county seat at the first election shall be voted for, and within three days after said election the judges of election shall return the poll-books, together with a statement of the election, to the town of Waverly, directed to the three justices of the peace mentioned in this County seat.

Erection of public buildings.

act; and the said justices shall meet in the town of Waverly, within five days after said election, and open and count the votes, and the place having received a majority of all the votes given, shall be and remain the permanent seat of justice of Oregon county. After the organization of said county, the county court shall have all necessary powers to make such orders and do all things necessary for the erection of suitable public buildings. They may receive donations, and apply the same in the erection of said buildings.

§ 2. This act to be in force from and after its passage.

APPROVED February 15, 1851.

In force Feb. 17, 1851.

AN ACT supplemental to an act entitled "An act making appropriations for the pay of members and officers of the general assembly, and for the service of officers of the government until the adjournment of the next regular assembly," approved Feb. 12, 1849.

Assistants to engrossing and enrolling clerks to receive \$4 per day.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the engrossing and enrolling clerk of the senate, and the engrossing and enrolling clerk of the house of representatives, shall certify to the auditor the number of days which they have employed extra assistant clerks, naming the persons so employed by them, and the persons so employed shall receive four dollars per day for each day's service certified as aforesaid: *Provided,* that the assistant door-keepers of each house shall be entitled to the same per diem that is allowed to the principal door-keepers of each house.

§ 2. This act to take effect from and after its passage.

APPROVED February 17, 1851.

In force Feb. 17, 1851.

AN ACT to locate and establish a state road from Chester, in Randolph county, to Troy, in Madison county.

Commissioners appointed.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That John A. Wilson, of Randolph county, John G. Jones, of Madison county, and the Rev. John Crain, of Washington county, be and they are hereby authorized to proceed, as soon as practicable, to survey and locate a state road, leading from Chester, in Randolph county, to Troy, in Madison county, by the nearest and most eligible route, passing through Sparta, in Randolph county, thence to Gillespie's ford, on

Mud creek, thence to Brook Smith's, on the north side of Elkhorn prairie, thence to Cox's ferry, on the Kaskaskia river, thence to Lebanon, in St. Clair county; and when the said route has been located a copy of the plat and survey thereof shall be filed with the clerk of the county court of each of the counties through which said road shall pass. Plats and survey.

§ 2. The said commissioners shall be allowed and paid for their services the sum of two dollars per day, each, for the time necessarily engaged in making said survey; each county paying the commissioners residing therein, whenever the same shall be duly authenticated to the clerks of said county courts. Compensation of commissioners.

§ 3. The said road, when located and established, shall be deemed and held to be a public road, and shall be opened and kept in repair in all respects as other public roads in this state, and the damages for the right of way shall be assessed as in other cases. Road when located to be a public road.

§ 4. The said commissioners may, if they deem the same essentially necessary, employ a competent surveyor, to aid them in the aforesaid duties, who shall be paid by the said counties in equal proportions, at the same rate as the said commissioners are paid. Surveyor.

§ 5. This act to take effect and be in force from and after its passage.

APPROVED Feb. 17, 1851.

AN ACT supplemental to "An act to provide for township organization."

In force Feb. 17, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That in all cases where counties may have voted for township organization, but have not organized, upon the petition of fifty legal voters of the county so having voted for such organization, it shall be the duty of the county clerk, upon the filing of such petition with him, to cause notices to be posted up in the different precincts of the county, as is now required by law, at least thirty days previous to the election, that the question of township organization will be voted upon. At such election said vote shall be taken by ballot, to be written or printed, or partly written and partly printed, "For township organization" and "Against township organization," and shall be canvassed and returned in like manner as votes for state and county officers. How township organization may be avoided when adopted.

§ 2. If it shall appear by the returns of said election, that a majority of all voters voting at such election have voted against township organization, then the county so Result of a majority against township organization.

voting shall not organize, and the county shall remain as if no vote had ever been taken for or against township organization, and the county officers shall remain in office until their terms shall legally expire.

Application of this act. § 3. The provisions of this act shall apply exclusively to the county of Vermilion.

This act shall take effect and be in force from and after its passage.

APPROVED February 17, 1851.

In force Feb. 17, 1851. AN ACT to relocate a portion of the state road from Belleville to Brownsville.

Commissioners. SECTION 1. *Be it enacted by the people of the State of Illinois, repr sented in the General Assembly, That David Anderson, Samuel McClinton and Washington Borders be and they are hereby appointed commissioners to relocate so much of the state road leading from Belleville to Brownsville as lies between Athens, in St. Clair county, and Sparta, in Randolph county, having due regard to private property and the convenience of the public.*

Commissioners to take oath. § 2. That said commissioners shall meet at the house of Samuel McClinton, on or before the first day of July next after the passage of this act, or as soon thereafter as possible, and take an oath before some justice of the peace of Randolph county, well and truly to perform the duties required of them by this act.

Duty of commissioners. § 3. When the commissioners shall have reviewed the said ground, and shall have relocated said road between the places named, it shall be their duty to make out two plats of the road so relocated, and lay one before the county court of Randolph county, and one before the county court of St. Clair county, as soon as practicable after the completion of the same, and the road so located is hereby declared to be a state road, and so much of the old road as may be affected by said relocation is hereby vacated.

Plats to be evidence. § 4. The said plats shall be evidence hereafter in all courts of record in this state, and it shall be the duty of the clerks of the county courts of Randolph and St. Clair counties, to record said plats on the records of their offices, and the county judges of the counties of Randolph and St. Clair shall allow to the said commissioners and clerks a reasonable compensation for the services required by this act.

APPROVED Feb. 17, 1851.

AN ACT to locate and change certain state roads therein named.

In force Feb. 17,
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That James M. Montague, of Perry county; Wm. Bradley, of Jackson county, and Jephtha Glover, of Randolph county, be and they are hereby appointed commissioners to locate and establish a state road, commencing at the ford where the road leading from Pinckneyville to Liberty crosses Pipe-stone creek; thence, on the nearest and best route, to Jacob Short's mill; thence across the north-west corner of Jackson county, so as to intersect the Murfreesboro' and Chester road at the Tea-cup Knob. Commissioners.

§ 2. The said commissioners, or a majority of them, shall meet at the house of James M. Montague, on or before the first Monday in April next, and after being duly sworn faithfully and impartially to discharge the duties required of them by this act, they shall proceed to survey and permanently locate the said road, avoiding unnecessary damage to private property. Duty of commissioners.

§ 3. The said commissioners shall furnish a map or plat of the survey of said road, to the clerk of the county court of each county in which the road shall be located. The said plats shall be recorded in each of said counties, and shall be evidence in all courts of this state of the existence of said road. Plat of survey.

§ 4. The county courts of each county in which the said road is located, shall allow to the surveyor two dollars per day, and to the said commissioners and chainman each the sum of one dollar per day, for each day necessarily employed in the location of said road, to be paid upon the certificate of the commissioners, in proportion to the number of days employed in each county. Compensation of commissioners, surveyor, &c.

§ 5. That so much of the state road leading from Mulkytown, in Franklin county, to Chester, in Randolph county, as runs through the farm of Richard G. Murphy, be and the same is hereby so changed as to run through the said Murphy's lane; thence north of the farm of A. N. Milligan, deceased, and to intersect the present road of the former residence of said Milligan, deceased. Change of road leading thro' R. G. Murphy's farm.

§ 6. This act to be in force from and after its passage.
APPROVED Feb. 17, 1851.

AN ACT to pay the expenses of two joint select committees therein named.

In force Feb. 17,
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the Auditor to issue warrant.

- auditor of public accounts be and he is hereby directed to issue his warrant upon the treasurer in favor of and to each of the joint select committee, to wit: J. L. D. Morrison, A. J. Kuykendall, J. C. Davis, H. Patterson and John Carlin, appointed by this general assembly to visit the dykes opposite the city of St. Louis, and who did, in accordance with such appointment, visit said dykes; and, also, in favor of and to each of the joint select committee, to wit: H. S. Osborn, Newton Cloud, William Reddick, P. Maxwell, W. S. Jones, W. Farrell, Daniel Wilson, H. Swan and J. C. Moore, appointed by this general assembly to visit the public buildings at Jacksonville, all of the necessary expenses of and actually paid out by each member of said committee, to be determined by the certificate of each member thereof, to be filed with the auditor before the warrants shall be drawn. That the sum of eleven dollars twenty-eight cents be and the same is hereby allowed to John Williams, of Springfield, for articles furnished the constitutional convention. That the sum of seventeen dollars thirteen cents be and the same is allowed Maro M. L. Read for articles furnished the agent of the state, in using the railroad from Springfield to the Illinois river.
- Committee to visit dyke.**
- Committee to visit Jacksonville.**
- John Williams.**
- Maro M. L. Read.**
- Appropriation.**
- § 2. That the treasurer be and he is hereby directed to pay the warrants directed to be issued by the foregoing section, from any funds now in the treasury not expressly appropriated.
- § 5. This act to take effect and be in force from and after its passage.
- APPROVED Feb. 17, 1851.

In force Feb. 17, 1851. AN ACT to vacate and relocate a portion of a state road named therein.

- Vacation of road.**
- SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That so much of the state road leading from Petersburg to Macomb, as lies between Vermont, in Fulton county, and Macomb, in McDonough county, be and is hereby vacated.*
- Relocation.**
- § 2. That the portion of said road thus vacated shall be relocated as follows: Commencing at the public square in the town of Vermont, in Fulton county, thence running, on the nearest and best route, to the centre of section twenty-three (23,) in township four (4) north, one (1) west, in McDonough county; thence north, to the centre of section fourteen (14;) thence west, to the line of section fifteen (15;) thence north, to the north-east corner of section fifteen (15;) thence west, to the north-east corner of

section sixteen (16,) in said township; thence, on the nearest and best route, to Macomb, doing as little damage to the owners of land on said route as possible, by running on section lines.

§ 3. That J. H. Baker, Cleon Reddick and William Ryle, of McDonough county, are hereby appointed commissioners to mark out and relocate the said portion of road, within six months from the passage of this act, and to ascertain, as far as practicable, where damages may accrue, or will be claimed by individuals through whose lands the road hereby authorized may run, and report the probable amount thereof, and the names of the owners of such lands and property, to the county court of the county in which said lands may be situate; and when the said commissioners shall have laid out and established the said road as aforesaid, they shall make out and deliver to the clerk of the county court through which said road passes, a copy or plat of said road; which plat, when so received by said clerks, shall be entered of record in their several offices, and the said entries, when so made, shall be evidence in all courts of this state of the existence of said road.

§ 4. It shall be the duty of each county court through which the aforesaid road herein authorized and established may pass, when opened, to cause the same to be worked and kept in good repair, as far as the road labor of the hands of the county and the means of the county will justify.

§ 5. The county court of the several counties through which said road passes, may allow to the commissioners herein appointed, and the said clerks, a reasonable compensation for the services rendered as aforesaid, in proportion to the amount of labor performed in each county; and the said commissioners appointed as aforesaid, before they enter upon the performance of their duties as herein designated, shall be sworn by some acting justice of the peace of McDonough county, to view, mark and relocate the portion of said road, having due regard to private property.

This act to take effect from and after its passage.

APPROVED Feb. 17, 1851.

AN ACT to enable the auditor of public accounts to collect the revenue.

In force Feb. 17,
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That when real estate shall be levied upon to satisfy any judgment in favor of the state, it shall be the duty of the officer making such levy, to transmit by mail, to the auditor, at least

- twenty days before the day of sale, a correct statement showing the description and value of said property, in the truth of said statement shall be attested by the oath of said officer. And the auditor is hereby authorized and required to purchase, in the name and for the use of the state of Illinois, at a price not exceeding two-thirds of said value so much of said property as may be required to pay the amount of the judgment and costs aforesaid; and it shall be the duty of the officer making such sale to forward to the auditor a certificate of purchase, and make his return as required in other cases of sales on execution. Any person desiring to redeem said property from such sale, shall pay the amount of redemption money into the state treasury; and, thereupon, the auditor shall indorse such payment on the back of the certificate of purchase aforesaid, and deliver it to the person so paying; which shall have the effect as redemptions have in other cases; but no real estate purchased as aforesaid shall be considered redeemed from such sale until the redemption is paid into the treasury.
- Auditor to purchase for state.** § 2. All moneys received by any sheriff, or other officer for the redemption of any real estate sold to satisfy a judgment on execution, shall be paid by such officer into the state treasury, or to the collector of his county, as may be directed by the auditor, within twenty days after demand is made on said auditor, and shall be paid into the state treasury by such collector, when he makes settlement for the state treasury: *Provided*, that the demand aforesaid may be made by any person authorized by the auditor to make such demand.
- Redemption money.** § 3. If any real estate, purchased by the state on execution, shall not have been redeemed, or may not hereafter be redeemed, within the time required by law, it shall be the duty of the auditor to obtain a deed or deeds thereon, which he shall cause to be recorded in a book kept for that purpose, in his office, and shall take such steps as he shall deem necessary to protect the timber, or other fixtures thereon, from being lost or destroyed.
- Redemption money.** § 4. The auditor of public accounts is hereby authorized and empowered to sell, transfer and convey, by deed or otherwise, all real estate that may have been heretofore, or may hereafter be purchased, to satisfy, or in payment of a judgment, or any execution in favor of the state, by the state, or by any officer of this state, for the benefit and use of the state, to any person or persons who may pay into the state treasury the full amount paid by the state for such property, and six per cent. interest thereon, from the date of said sale to the time of such payment: *Provided*, that such amount shall be equal to the amount due the state on the judgment or decree on which the sale was made;
- Auditor to sell.**
- Proviso.**

not, the sale may be made at such price, not less than the price paid for the property as aforesaid, as the judge of the county court and the sheriff of the county in which the estate is situated shall certify the same to be worth.

§ 5. State's attorneys, in addition to the duties now Duty of state's attorneys. required by law, shall prosecute all suits in favor of the state when required by the auditor; and where there is no other fee allowed by law for such service, they shall be allowed and paid out of the state treasury the sum of five Their fees. dollars, for commencing and prosecuting suits as aforesaid, to be paid on the certificate of the auditor, and approved by the governor.

§ 6. If the back taxes on any forfeited property have Back taxes. not been collected, or the property sold as provided for by an act entitled an "An act to provide for the collection of the revenue on forfeited property," approved February twelfth, eighteen hundred and forty-nine, said taxes, with the interest and cost due thereon, shall be added to and collected with the tax of the current year: *Provided*, that where such taxes have not been added to the list for the current year, the clerk shall add them to the taxes of the year A. D. one thousand eight hundred and fifty-one. Said property shall be advertised and sold in the same manner as required by the act aforesaid.

§ 7. Deeds on sales made in pursuance of this act, or Deeds. of the foregoing recited act, shall be made by the sheriff or collector, as provided for in other cases of sales for taxes.

§ 8. In all cases where the collectors of the tax of the year A. D. one thousand eight hundred and forty-nine, did not receive the tax books within the time required by law, or where any of the collectors aforesaid failed to obtain judgment on the delinquent list, at the time required by law, the auditor is hereby required to remit the interest on the accounts of such collectors; and in all cases where such interest has been paid into the treasury, the auditor shall cause the same to be refunded by drawing his warrant on the treasurer for the amount so paid. Interest remitted, in what case.

§ 9. Sheriffs and collectors of the revenue for the year Collector's commissions. one thousand eight hundred and fifty-one, and subsequent years, shall be allowed a commission upon all moneys paid in to the state and county treasuries, of five per cent. on the first eight thousand dollars, three per cent. on the next ten thousand dollars, and two per cent. on all additional sums, instead of the commission now allowed by law; which allowance shall be apportioned between the county and state, in proportion to the amounts collected and paid over.

§ 10. This act to take effect and be in force from and after its passage.

APPROVED Feb. 17, 1851.

In force Feb. 17, AN ACT to authorize the appointment of commissioners to take the proof and acknowledgment of deeds and other instruments, and to administer oaths in other states and territories.

Governor to ap-
point commis-
sioners.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the governor of this state is hereby authorized to name, appoint and commission so many commissioners in such of the other states and territories of the United States, or in the District of Columbia, as he may deem expedient: *Provided*, that the number of such commissioners shall at no time exceed five in any one city or county. The said commissioners shall continue in office for four years, and shall have authority to take the acknowledgment and proof of the execution of any deed, mortgage, lease or other conveyance, of any lands, tenements or hereditaments, lying or being in this state, or of any contract, assignment, transfer, letter of attorney, satisfaction of a judgment, or of a mortgage, or of any other writing or instrument under seal, to be used or recorded in this state; also, to administer an oath or affirmation to any person or persons who may desire to make such oath or affirmation.

Power of com-
missioners.

§ 2. Any acknowledgment or proof taken in pursuance of the powers and under the directions and limitations conferred by and mentioned in this act, in manner directed by the laws of this state, with respect to the acknowledgment or proof of deeds taken by any officer authorized to take such acknowledgment residing within this state, and certified by any one of said commissioners whose appointment is authorized by this act, before whom the same shall be taken or made, under his hand and official seal, (which certificate shall be indorsed on the said deed, or other instrument mentioned in the first section of this act,) shall, when authenticated in the manner hereinafter provided, be entitled to be recorded in any county in this state, and shall have the same force and effect, and be as good and available in law, for all purposes, as if the same had been taken or made before any officer authorized to take such proof or acknowledgment, residing in this state, and any affidavit or affirmation, made before any such commissioner, certified and authenticated as aforesaid, may be read in evidence, and shall be as good and effectual, to all intents and purposes, as if taken and certified by any officer authorized to administer oaths residing in this state.

Oath.

§ 3. Every commissioner appointed by virtue of this act, shall, before he performs any duty under or by virtue of his said appointment, and of this law, take and subscribe an oath or affirmation before a justice of the peace, or some other magistrate in the city or county in which he shall reside, well and faithfully to execute and perform all the duties of such commissioner, under and by virtue of the

laws of the state of Illinois; which oath or affirmation shall be filed in the office of the secretary of this state. And every such commissioner, shall, also, before he enters upon the duties of his office, cause to be prepared an official seal, in Seal. which shall be designated his name, and the words, "A commissioner for the state of Illinois," together with the name of the state or territory, and also the city or county within which he shall reside, and for which he shall have been appointed, and shall transmit to, and cause to be filed in the office of the secretary of this state, a distinct impression of such seal, taken upon wax, or some other substance capable of receiving and retaining a clear impression, together with his signature, in his own proper writing.

§ 4. When any deed or other instrument shall be proved or acknowledged, or any oath or affirmation shall be taken before any commissioner appointed by virtue of this act, before it shall be entitled to be used, recorded, or read in evidence, in addition to the preceding requisites, there shall be subjoined or affixed to the certificate, signed and sealed by the commissioner as aforesaid, a certificate, under the hand and official seal of the secretary of state of this state, certifying that such commissioner was, at the time of taking such proof or acknowledgment, or of the administering such oath or affirmation, duly authorized to take the same, and that the secretary is acquainted with the handwriting of such commissioner, or has compared the signature to such certificate, with the signature of such commissioner deposited in his office, and that he verily believes the signature and the impression of the seal of the said certificate to be genuine. Certificate of secretary of state.

§ 5. No commissioner appointed under or by virtue of this law, shall be authorized to take the proof or acknowledgment of any deed or instrument, or to administer any oath or affirmation in any place other than the city or county within which he shall reside at the time of his appointment; and every certificate of any such commissioner, or any proof or acknowledgment taken before him, or any oath or affirmation administered by him, shall specify the day on which, and the city or town and county within which the same was taken or administered; and without said specification the said certificate shall be invalid, inoperative and void. Where acknowledgments may be taken. Date and place shall be specified.

§ 6. The act entitled, "An act to authorize the appointment of commissioners in other states," approved March 1st, 1845; and also the act entitled "An act supplemental to an act to authorize the appointment of commissioners in other states," approved February 24, 1847, are hereby repealed; and all appointments under and by virtue of said acts shall cease, determine and become utterly null and void from and after the expiration of thirty Acts repealed.

days after the day on which this act shall take effect ; and the secretary of state of this state shall forthwith cause a copy of this act to be forwarded to each of the commissioners appointed under the said acts, whose appointments shall not have been previously revoked or superseded.

Duty of secretary of state.

§ 7. It shall be the duty the secretary of state of this state, to prepare instructions and a sett of forms, in conformity with the laws of this state, and to forward the same, together with a copy of this act, to every person who shall be appointed a commissioner under and by virtue of this law ; for which said secretary shall be entitled to demand and receive the sum of five dollars, of said party.

Residence of commissioner.

§ 8. No person shall be appointed a commissioner under this act, who is not at the time of his appointment a resident of the city or county, and state or territory, for which he may be appointed.

§ 9. This act shall take effect and be in force from and after the first day of July next.

APPROVED February 17, 1851.

In force April 18, 1851.

AN ACT to amend the several acts relating to the election of county treasurer.

Treasurers to be elected in November, 1851, and biennially thereafter.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That county treasurers shall hereafter be elected on the first Tuesday after the first Monday in November, A. D. eighteen hundred and fifty-one, and every two years thereafter.

Acts repealed.

§ 2. So much of any and all laws now in force as provides that county treasurers shall hold their offices for the term of four years, is hereby repealed.

APPROVED Feb. 17, 1851.

In force Feb. 17, 1851.

AN ACT to authorize the city of Quincy to levy and collect a special tax for the purposes therein mentioned.

Special tax authorized.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the city of Quincy is hereby authorized to levy and collect a special annual tax upon the property, real and personal, situated in said city, sufficient for the payment of the annual interest which may accrue upon any bonds to be hereafter issued by said city for railroad purposes, under the provisions of an act entitled "An act supplemental to an

act entitled an act to provide for a general system of railroad incorporations," in force the 6th day of November, A. D. 1849.

§ 2. The special tax aforesaid shall be levied and collected at the same time and in the same manner as the other taxes levied by said city, and the said city shall have the same rights, powers and remedies to enforce the collection of the same, by the sale of property or otherwise, as is or may be provided for in other cases relating to the city revenue.

§ 3. Said tax, when collected, shall by the said city be set apart and held separate and distinct from the other portions of the city revenue, as a fund specially pledged for the payment of the annual interest on the bonds aforesaid, and shall be by the said city, from time to time, applied to the payment of said interest, as the same becomes due and payable, and to no other purpose whatever.

APPROVED Feb. 17, 1851.

AN ACT to amend an act entitled "An act to create and establish the county of Jersey," approved Feb. 28, 1839. In force March 3, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the first section of the act to which this is an amendment be so amended as to define the boundaries of said Jersey county, as follows: commencing at the north-east corner of township nine north, of range ten west of the third principal meridian; thence west, on the north line of said township, two and one-half miles, to the centre of section three; thence south, eighty rods, to the south-east corner of the north half of the north-west quarter of section three; thence west, one half mile, to the west line of said section three; thence south, with said line, two and one-fourth miles, to the centre of section sixteen; thence west, through the centre of sections sixteen (16,) seventeen (17,) and eighteen (18,) in town nine north, of range ten west, and sections thirteen (13,) fourteen (14,) and fifteen (15,) in township nine north, of range eleven west, six miles, to the east line of section sixteen; thence south, until it strikes the line as defined by said section; thence with said line to the centre of the Illinois river.

§ 2. That so much of said act to which this is an amendment as conflicts with the first section of this act, be and the same is hereby repealed: *Provided*, that the collectors in the counties of Greene and Jersey are hereby author-

- Taxes.** ized to collect the state and county revenue, on assessments heretofore made in the said counties, in the same manner as if this amendatory act had not passed: *Provided, further,* that the non-resident or delinquent list of lands be proceeded against and sold for the non-payment of the taxes assessed thereon for the year 1850, as returned by the assessors in the said counties respectively, and the moneys arising therefrom paid over to the state and county treasurers, as now provided by law; and all sales of lands for taxes shall be as valid as if this act had not been passed. And the sheriffs are hereby authorized to execute deeds for lands so sold for taxes in their respective counties, with the like effect as if the line of said counties had not been changed or altered by this act.
- Further proviso.**
- Sales of land for taxes.**
- This act to be in force March 3, 1851.** § 4. This act to be in force from and after the first Monday in March, 1851.
- Expense of bridge across Macoupin creek.** § 5. *Be it further enacted,* That the expense of rebuilding the bridge across the Macoupin creek, at Randle's mill, shall be borne equally by the counties of Greene and Jersey. The said bridge to be constructed whenever the county court of Greene shall deem it necessary.

APPROVED February 17, 1851.

In force Feb. 17, 1851. AN ACT to amend an act entitled "An act to provide for the construction of plank roads by a general law."

- Roads not to be over eight feet wide.** SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the law to which this an amendment shall not be so construed as to require the plank track of any plank road to be over eight feet wide: *Provided,* that the earth or dirt track shall be so constructed as to afford convenient turn-outs for teams.
- Proviso.**
- Powers of company.** § 2. Any company that shall have been or may hereafter be formed under the law to which this is an amendment, may build so much of the road contemplated in their organization as may be for the interest of the company, or for the traveling public, being not less than one mile in all, and shall be entitled to all the rights and privileges upon said finished portion of said road which are granted by the general plank road law and its amendments, for the full term of their organization: *Provided, however,* that such portions of the road so contemplated as may be unfinished after the lapse of five years from the organization of said company, may be vacated, or if at any time after the formation of any company, any other plank road company shall propose to organize for the construction of any unfinished
- Proviso.**

portion of any company's road, it shall be lawful for the company having control of such road to surrender such unfinished portion of said road contemplated by their organization to the said newly formed company, by filing such surrender in the county clerk's office in the county wherein said road may be situated.

§ 3. That any team or teams that may travel on any plank road, otherwise than to cross the same at the regular laid-outs, when the termini of the journey of any such teams shall be on different sides of any toll-gate, and shall not pay the regular toll for the use of said road so traveled upon, when demanded, or if they shall leave the road without paying the toll, whether formally demanded or not, such team or teams, and the owner or owners thereof, shall be liable to a fine of ten dollars, to be collected in an action of debt or trespass, before any court of this state having jurisdiction thereof, and in any county in the state where the trespasser may be found; and said fine, when collected, shall be paid to the treasurer of the plank road company instituting such suit, who shall keep a true and accurate account of all moneys received by reason of fines, and shall annually, on the first Monday of January in each year, pay over one half of the nett proceeds of the same to the county treasurer, for the use of the county where said plank road is located, retaining the other half for the use and benefit of said plank road company.

Penalty for refusal to pay tolls.

Disposition of fines.

§ 4. That if any road shall have been or shall be laid out parallel with or in the same general direction with any plank road, within the distance of eighty rods on either side of such plank road, which road the said company shall believe was laid out with the express intention and for the purpose of interfering with such plank road, such plank road company is hereby authorized to file, in the circuit court of the proper county, a petition, setting forth the facts, and if upon free hearing the judge of such court shall be satisfied that such was the intention, he is hereby authorized, by an order to be entered of record, to vacate such road.

Should a rival road be laid out.

Authority of first company.

§ 5. The shares of any company formed under the act to which this is amendatory, shall be deemed personal property, and may be transferred by assignment; which transfer shall be entered upon the books of said company, and such transfers shall show to and from whom transferred.

Shares deemed personal property, and assignable.

§ 6. The provisions of this act, and all amendments to which this is amendatory, shall apply to all plank road companies, whether formed under the general plank road law or whether incorporated under special acts, or otherwise, so far as the same may not impair the provisions of special acts of incorporation.

Act applicable to all plank road companies.

APPROVED Feb. 17, 1851.

In force Feb. 17, AN ACT to amend an act entitled "An act to provide for copying and distributing the laws and journals, and for other purposes." 1851.

Contractors for distribution of laws allowed 20 days to give bond.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That hereafter contractors for distributing the laws, journals and reports, under the provisions of the fifth and sixth sections of the act entitled "An act to provide for copying and distributing the laws and journals, and for other purposes," approved Feb. 12, 1849, shall be allowed twenty days from the time of opening bids and the acceptance of their proposals, in which to file bonds for the faithful performance of their contracts, as required by law; and it shall be the duty of the secretary of state, immediately after such contracts are awarded, to cause notice to be given to successful bidders.

Reports of supreme court to be distributed.

§ 2. Hereafter it shall be the duty of the secretary of state, whenever the laws and journals are distributed, to cause the reports of the supreme court belonging to the several officers of the respective counties, which may remain in his office, to be distributed in the same manner as said laws and journals.

Eight thousand copies of acts to be printed for distribution.

§ 3. There shall be printed for the use of the state, and for distribution to the several counties, under the provisions of section seven, of chapter sixty-two, Revised Statutes, eight thousand copies of the acts and resolutions of the present session of the general assembly; and hereafter, until otherwise directed, a sufficient number of copies of the acts of each session shall be printed to enable the secretary of state to make such distribution thereof as is now or may be required by law.

A sufficient number hereafter to be printed to supply officers entitled to them.

Acts of special session of 1849, to be printed.

§ 4. The secretary of state shall cause to be printed and bound with the volume of public acts of the present session, the public acts of the late special session of the general assembly, causing said acts of the special session to be placed and indexed in the fore part of said volume.

Extra copies of acts.

§ 5. It shall be the duty of said secretary of state to cause to be printed and distributed, as now provided by law, a number of copies of said acts of the present and late special session, equal to one-eighth the whole number required for distribution, to be deposited with the counties respectively, in the proportions to which they are now entitled, for future distribution, as the future wants of the respective counties may demand.

Number of acts hereafter to be printed.

§ 6. Until otherwise provided by law, there shall be printed for the use of the state, and for distribution to the several counties, eight thousand copies of the laws of the general assembly, over and above the eighth part to be deposited with the counties, as provided for in the above sections.

§ 7. It shall be the duty of the secretary of state to give four weeks' notice, biennially, in the month of May, by advertising in the papers published in the places named as required in the first section of "An act concerning public printing," approved Feb. 8, 1849, that he will receive sealed proposals for executing the printing of the journals, reports and laws, and all other printing ordered by the general assembly. Said proposals to be delivered to the secretary of state within forty days after the last day of May, biennially.

Public printing,
how contracted
for.

§ 8. Hereafter, and until otherwise provided by law, there shall be printed for the use of the state, and for distribution to the several counties, one thousand copies of the reports. This section to apply to the reports of the present session.

Number of re-
ports to be
printed.

This act to take effect and be in force from and after its passage.

APPROVED Feb. 17, 1851.

AN ACT to amend chapter four, Revised Laws, entitled "Aliens."

In force Feb. 17,
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That all aliens may take, by deed, will or otherwise, lands and tenements and any interest therein, and alienate, sell, assign and transmit the same to their heirs, or any other persons, whether such heirs or other persons be citizens of the United States or not, in the same manner as natural born citizens of the United States or of this state might do; and upon the decease of any person having title to, or interest in any lands or tenements, such lands and tenements shall pass and descend in the same manner as if such alien were a citizen of the United States, and it shall be no objection to any person having an interest in such estate that they are not citizens of the United States, but all such persons shall have the same rights and remedies, and in all things be placed upon the same footing, as natural born citizens and actual residents of the United States.

Aliens to have
the same rights
as citizens, in
relation to the
devise and in-
heritance of
real estate.

§ 2. The personal estate of an alien, dying intestate, shall be distributed in the same manner as the estates of natural born citizens, and all persons interested in such estate shall be entitled to proper distributive shares thereof, under the laws of this state, whether they are aliens or not.

Personal estate
of intestate
aliens to be dis-
tributed accord-
ing to the
rules applica-
ble in the case
of citizens.

§ 3. This act to be in force from and after its passage.

APPROVED February 17, 1851.

En foras Feb. 17, 1851. AN ACT extending the time granted the city of St. Louis, by joint resolution of January, 1849, to complete certain works in the state of Illinois, opposite said city, and for the protection thereof.

Two years allowed to the city of St. Louis to complete works for the protection of harbor.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the space of two years, from and after the passage of this act, is hereby allowed to the city of St. Louis, to complete and carry out, so far as the same may be necessary, the works in the state of Illinois opposite said city, intended for the preservation of the harbor thereof, in the manner set forth in the joint resolutions adopted in January, 1849, and in accordance with which the said city entered into bonds to the state in the sum of twenty thousand dollars, binding herself to complete said works within two years from the passage of said joint resolutions.

Said city released from penalties.

Proviso.

§ 2. The city of St. Louis is hereby released from any penalty which may have accrued from the failure to complete the works referred to in the joint resolutions aforesaid, within the period specified therein: *Provided*, she shall, within two years from the passage hereof, complete the same, and especially the dykes W and V, and the dyke and road leading from the foot of Bloody Island to the Illinois shore, in the manner contemplated in said joint resolutions, and the bonds given in conformity therewith. But nothing herein contained shall be so construed as to release the said city of St. Louis from the penalty of said bond, in case of further failure on her part to comply, in good faith, with the conditions thereof, within the time fixed by this act.

Other works authorized below Bloody Island.

Proviso.

§ 3. It shall be lawful for the said city of St. Louis, and power is hereby expressly granted to her proper agents and officers, to erect and construct such other dykes or works of stone, earth, piles or other materials in the Mississippi river, below the foot of Bloody Island, and within the jurisdiction of the state of Illinois, as may be necessary for the safety and protection of the works already constructed, and to continue and carry out the plans adopted to straighten the channel and benefit the harbors of the city of St. Louis and the town of Illinois: *Provided*, however, that nothing in this section shall be so construed as to relieve the said city of St. Louis, or the citizens thereof, from the payment of damages to any party whose property may be injured, or the use and enjoyment thereof interrupted or obstructed, by the construction of such dykes or other improvements within the jurisdiction of the state of Illinois.

Other dykes authorized at the head of Bloody Island.

§ 4. A like permission, with a similar reservation as to private rights, is hereby granted to said city of St. Louis, to make other dykes similar in character to the dykes W and V, at the head of Bloody Island, should the same be necessary; and, also, to revet or otherwise protect the

western shore of Bloody Island, and the shore from the head thereof, and to the upper end of the town of Venice: *Provided*, in all such works, due regard shall be had to the interests of citizens of the state of Illinois, and the rights of the several ferry companies and the St. Clair County Turnpike company and Illinois Coal company: *And provided, further*, that the revetment of the shore, and additional dykes in this section mentioned, shall, when completed, take the place of the longitudinal dyke from Venice to the head of Bloody Island: *Provided*, in the revetment of the shore at the Madison Ferry landing, the slope shall be so made as to accommodate the landing of the boats at all stages of water.

§ 5. If any person or persons shall wilfully or maliciously injure, tear down, destroy or remove any of said dykes, or other works constructed by the city of St. Louis, under the joint resolutions of the last legislature, or hereafter to be constructed under this act, within the state of Illinois, he or she and his or her employer, aiders and abettors shall be deemed guilty of a misdemeanor, and subject to an indictment in the county in which such offence shall be committed, and, upon conviction thereof, shall be fined in any sum not exceeding five hundred dollars, or imprisoned six months in the county jail, or both, in the discretion of the court in which such conviction is had.

APPROVED February 17, 1851.

AN ACT to establish a state road from Rushville, in Schuyler county, to Greenbush, in Warren county. In force Feb. 17, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That Edward Doyle, of Schuyler county, and Abraham David, of McDonough county, and Franklin Snapp, of Warren county, be and they are hereby appointed commissioners to lay out and establish a state road from Rushville, in Schuyler county, to Greenbush, in Warren county.

§ 2. It shall be the duty of said commissioners, or any two of them, to proceed to Rushville, in Schuyler county, upon the first day of May next, or as soon thereafter as they may find convenient, and after having been sworn by some acting justice of the peace or clerk of said county, to view, mark and locate a road as above designated.

§ 3. When the said commissioners shall have laid out said road, they shall make out and deliver to clerks of the counties through which said road passes, a copy or plat of said road, which plat by said clerks shall be entered of record in their several offices, and the said entries shall be

Provided.

Further provided.

Provided.

Penalty for injuring structures.

Commissioners.

To take oath, lay out road.

Plat of road to be delivered to county clerks.

evidence in all courts of this state of the existence of said road.

Compensation of
commissioners
and surveyor.

§ 4. The compensation to each person employed in locating and establishing said road, shall be one dollar per day for each day necessarily employed, exclusive of expenses for provisions, forage for horses, &c., except the surveyor, who shall have two dollars per day for each day so employed.

Expenses.

§ 5. The expenses incurred in establishing said road shall be allowed and paid by each county through which said road is located, in proportion to the distance or length of road in said counties ; the same to be made out by said commissioners, or any two of them.

APPROVED Feb. 17, 1851.

In force Feb. 17, 1851. AN ACT fixing the time of holding the circuit court in the ninth judicial district.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That from and after the first of June next, in the ninth judicial district the circuit court shall be held in the respective counties at the following times, viz :* in the county of La Salle, on the third Tuesday of February and on the first Tuesday of November; in the county of Livingston, on the first Tuesday in March and October ; in the county of Kendall, on the second Tuesday of March and on the fourth Tuesday of November ; in the county of Bureau, on the third Tuesday in March and second Tuesday in October; and in Putnam county, on the fourth Tuesday in March and second Tuesday in October ; in the county of Marshall, on Monday after the fourth Tuesday of March, and on the Monday after the second Tuesday in October in each year.

La Salle.

Livingston.

Kendall.

Bureau.

Putnam.

Marshall.

When grand jury
not to be
summoned.

Proviso.

§ 2. In the ninth judicial district there shall be no regular grand jury selected or summoned for the October, November or December terms of the several circuit courts : *Provided*, that where it may be necessary, on account of the person accused being in jail, or otherwise, at any such terms, the circuit court may order the sheriff to summon a special grand jury, to examine such matters as may be given them in charge, and the same proceeding may thereupon be had touching such matters as though said grand jury had been selected and summoned as a regular grand jury.

Courts in Kane,
De Kalb,
Boone, and
McHenry to be
held as heretofore
until after

§ 3. That so much of an act entitled "An act to establish the thirteenth circuit," as fixes the time of holding the circuit court in the counties of Kane, De Kalb, Boone and McHenry, shall be of no effect until the first day of June

next, and the circuit court in said counties shall be held in the meantime in the same manner and at the same times as if no such act had been passed.

This act to be in force from and after its passage.

APPROVED Feb. 17, 1851.

the 1st day of June next.

AN ACT to authorize the judges of the supreme court to enter orders and judgments in vacation. In force Feb. 17, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That from and after the passage of this act the judges of the supreme court, or a majority of them, shall have power and authority to enter orders and judgments in vacation, in any of the grand divisions of this state, in all cases which have been argued or submitted to the said court during any term thereof, and which have been taken under advisement.

APPROVED Feb. 17, 1851.

Judgments may be entered in vacation, in cases previously argued or submitted.

AN ACT to authorize the county clerk of St. Clair county to receive redemptions on forfeited lands heretofore sold to the state. In force Feb. 17, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the clerk of the county court of St. Clair county be and he is hereby authorized to receive the redemption money upon any lands situated in said county of St. Clair, heretofore bought by or forfeited to the state for non-payment of taxes, and now subject to redemption, any thing in the act approved Nov. 6, 1849, to the contrary notwithstanding.

Clerk to receive redemption money.

§ 2. This act to be in force from and after its passage.

APPROVED Feb. 17, 1851.

AN ACT to relocate a part of the state road leading from Farmington to Monmouth. In force Feb. 17, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Harmon Brown, Thomas McKee and John T. Bennett be and they hereby are appointed commissioners to relocate so much of the state road leading from Farmington, in Fulton

Commissioners.

Route. county, to Monmouth, in Warren county, as lies between Spoon river and Abingdon, in Knox county. That said relocation shall be made on the most eligible ground, having due regard to private property, commencing at Hill's ford, on Spoon river aforesaid, thence by way of Harrisonville, in Knox county, and a point at the middle of the northern boundary line of section three, in township nine north, of range one east, to the middle of the crossing of Main and Jackson streets, in the town of Abingdon, aforesaid. Said commissioners shall meet at Abingdon aforesaid on or before the first day of July next, and proceed immediately to make such relocation, and shall make a plat and report in writing thereof, and return the same to the county court of said Knox county. Said commissioners shall each receive two dollars per day for their services, which, together with any other incidental expenses, shall be paid out of the county treasury of Knox county.

Time.

Duty of commissioners.

APPROVED Feb'y 17, 1851.

In force Feb. 17, 1851. AN ACT for a geological and mineralogical survey of the state of Illinois.

Geologist to be appointed. SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the governor, auditor and treasurer of the state are hereby authorized and required, as early as may be, to employ a geologist of known integrity and practical skill, for the purpose of making a geological and mineralogical survey of the entire territory of this state.

Duty of geologist. § 2. It shall be the duty of said geologist to proceed, as soon as the necessary arrangements can be made, and with as much dispatch as may be consistent with minuteness and accuracy, to ascertain the order, succession, arrangement, relative position, dip and comparative magnitude of the several strata or geological formation within the state; to search for and examine all the beds and deposits of ores, coals, clays, marls, rocks and such other mineral substances as may present themselves, and to obtain chemical analysis of these substances, the elements of which are undetermined, and, by strict barometrical observations, to determine the relative elevations and depressions of the different parts of the state.

To make annual reports. § 3. It shall also be the duty of said geologist, during the time employed in the above work, to make annual reports of the progress and results of his labor, accompanied by such maps and drawings as may be deemed necessary, to illustrate the said reports; all of which shall be trans-

mitted to the governor, in such condition that he may, without delay, cause them to be printed and circulated throughout the state, or wherever else he may desire to send them.

§ 4. It shall be the duty of said geologist to procure and preserve a full and entire suit of the different specimens found in the state, and cause them to be delivered to the secretary of state, who shall cause them to be properly arranged in a cabinet, and deposited in some apartment in or convenient to the capitol. Said suit shall be sufficiently large to furnish specimens to all institutions of learning within the state, empowered to confer degrees in the arts and sciences. Specimens required to be preserved.

§ 5. The final reports of said geologist shall embody the results of the entire survey, and shall be accompanied by a geological map of the state, showing, by different colors and other marks and characters, the precise localities and extent of the different geological formations. Final report.

§ 6. For the purpose of carrying out and completing the said survey, the sum of not exceeding three thousand dollars is hereby placed at the disposal of the governor, to be applied to the payment of the said geologist, and such assistants as he may employ, by and with the consent of the governor, auditor and treasurer, and to defray the incidental expenses of the survey; which annual appropriation shall continue until the completion of said survey, or until its discontinuance be ordered by the legislature of this state. \$3,000 appropriated.

§ 7. No money shall be paid to said geologist, or for the purpose of said survey, until the work shall be commenced. Money, when paid.

§ 8. The said survey shall, if practicable, be commenced at the southern part of the state, and be proceeded with northerly. Survey, where commenced.

This act to take effect and be in force from and after its passage.

APPROVED Feb. 17, 1851.

AN ACT authorizing the governor of this state to erect a monument to the memory of Thomas Ford, late governor of this state. In force Feb. 17, 1851.

Whereas it pleased the Almighty Ruler of the Universe to take from our midst, in November last, Thomas Ford, esq., late governor of this state; and whereas the services rendered this state by the deceased entitle his memory to be preserved and handed down to posterity; therefore, Preamble.

Appropriation.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the sum of five hundred dollars be and the same is hereby appropriated, out of any moneys not otherwise appropriated, for the purpose of erecting to the memory of Thomas Ford, esq., late governor of this state, a monument or marble slab, with proper inscriptions on the same, at the grave of the deceased; also, for putting an iron fence around the grave.

Authority to governor.

§ 2. That the governor of this state be authorized to carry the foregoing section into effect, and on his certificate of the amount expended, which shall not exceed the amount appropriated by the first section of this act, the auditor of public accounts shall draw a warrant on the treasurer for the same.

APPROVED Feb. 17, 1851.

In force Feb. 17, 1851. **AN ACT** concerning fines and forfeitures within the limits of the city of Belleville.

Fines and forfeitures in Belleville to be paid into city treasury.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That hereafter all fines and forfeitures collected for penalties incurred within the incorporated limits of the city of Belleville, in St. Clair county, shall be paid into the treasury of said city by the officers collecting the same.

Same provisions applicable to Chicago.

§ 2. The provisions of the preceding section shall apply to and be in force in the city of Chicago.

§ 2. This act shall be in force from and after its passage.
APPROVED February 17, 1851.

In force Feb. 17, 1851. **AN ACT** to authorize the circuit court of Cook county to appoint port wardens, and prescribing their duties.

Three port wardens to be appointed.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the circuit court of Cook county, at any term thereof, shall appoint three competent and discreet persons, residing in the city of Chicago, to be port wardens for said county, who shall hold their respective offices for the term of four years, and until others shall be appointed by said court, and in case any such officer shall remove out of said county, such removal shall be deemed a resignation of his said office, and the circuit court shall fill such vacancy by a new appointment, at the next term thereof.

Term of office.

§ 2. Before any person so appointed shall enter upon or perform any of the duties of his office, he shall make oath before the clerk of the circuit court of Cook county, faithfully and impartially to discharge all the duties of a port warden as by this act are hereinafter declared, and the clerk shall thereupon deliver to such port warden a certificate of his appointment, under the seal of the court.

§ 3. It shall be the duty of either one of the said wardens, on application of any person, to repair on board any steamboat or other vessel navigating the lakes, rivers or waters within the precincts of said county, and examine the condition of said steamboat or vessel, or the condition of any cargo or lading on board the same, to survey and rate the same. To take oath of office. Their duties

§ 4. It shall also be the duty of either one of said wardens, on application in writing to them, by any person or persons who may receive or be about to receive any goods, wares or merchandise at the port of Chicago, from any steamboat or vessel, within twenty-four hours after said goods, wares or merchandise shall have been landed at said port, and there is reason to think that the same are damaged, to notify the master, owner or agent of such steamboat or vessel of such application, and of the place and time of examining such goods, wares or merchandise, when and where it shall be the right of said master, owner or agent to appear, and, if he thinks proper, to call in one other warden to join in the survey and estimate of damage, he may do so, but if no objection is made, the said warden first selected shall proceed to examine, survey and estimate the damage on said goods, wares and merchandise, and state the cause of the same, from the best evidence presented to him by all parties, and give a certificate of the same; or if two port wardens shall jointly examine, survey and estimate, they shall give a joint certificate of the same, but in case of their disagreement, the two first wardens shall call in the third port warden to decide between them, and the certificate shall in that case be signed by them, or by the two agreeing in the facts respecting the damaged goods, wares and merchandise. Further duties. Damage to goods. Certificate thereof.

§ 5. It shall also be the duty of either of the said wardens, when any goods, wares or merchandise shall be brought to the port of Chicago from any steamboat or other vessel, wrecked or stranded in any of the lakes, rivers or waters within or adjoining this state, to receive the charge and care of the same, provided the person or persons having the same in possession do not, within twenty-four hours after the said goods, wares and merchandise shall have arrived at said port, arrange terms of settlement with the owner of said goods, wares or merchandise, or the agent or consignee thereof, the said warden or wardens so receiving said goods, Goods taken from wrecked or stranded vessels.

When perishable how to be disposed of.

wares or merchandise shall pay all freight from said wreck or stranded steamboat or vessel, charges and other expenses as shall be justly established as being due on the same, for salvage, freighting and care thereof; and said wardens shall put in store, for safe keeping, all or such part of the same as may not be in a perishing condition, and all of said goods, wares or merchandise deemed by him so to be in a perishing condition shall be examined by three disinterested citizens, who may have knowledge in such matters, and if, upon their opinion certified by them that it is advisable, the same should be sold without delay, for the best interest of whom it may concern, then the said wardens shall proceed to give reasonable public notice of sale, and to sell the said goods, wares or merchandise pursuant to said notice, for the account of whom it may concern, taking care to record the sale and all the legible marks on said goods, wares or merchandise, in order that the rightful owner or owners thereof, or their agent or consignees, may claim the proceeds of the sale thereof; and the said warden or wardens, if more than one is acting in the matter or case, is authorized to pay the said owner or owners, or their agents, the proceeds of such sale, upon the legal establishment of their rights of property in the same, after first deducting all legal expenses in the case, of advertising and sale of said goods, wares or merchandise, together with all moneys advanced as aforesaid by said warden or wardens, and also their fees; and further, the said warden is authorized to deliver to the rightful owner or owners, or their agents, of said goods, wares or merchandise put in store for care and keeping by said warden, the said warden or wardens being first paid for all moneys advanced as aforesaid for salvage, care, freight and drayage, and for storage on said goods, wares and merchandise.

Record required to be kept.

§ 6. It shall also be the duty of each of said wardens to keep a fair record of their doings by virtue of said office, and to give copies and certificates thereof, under his hand and seal, to any person on application, and all such copies and certificates shall be taken and deemed *prima facie* evidence of the facts therein duly stated; and for the faithful performance of their duties the said port wardens shall give bonds, such as may be approved by the judge of the circuit court of Cook county, in an amount not to exceed two thousand dollars.

Bonds required from port wardens.

Fees.

§ 7. There shall be paid to each port warden for his services, the following fees, viz: for inspecting of each steamboat or other vessel, or the cargo and storage thereof, not exceeding five dollars, to be paid by the person applying for such inspection; for examining and assessing damages, under and by virtue of the fourth section of this act, not exceeding five per centum on the whole value of the

goods, wares or merchandise examined and assessed by him—said value to be ascertained by the invoices of said goods, or by the market value thereof—fees to be paid by the applicant; or if there be found no damage on said goods, the applicant shall pay for the service of said warden in examining said goods, a fee of one dollar, and if he is employed more than one hour, fifty cents for every additional hour. For duties under and by virtue of the fifth section of this act, on all sales of damaged goods, wares and merchandise, not exceeding five per centum on the gross amount of said sale or sales by said warden or wardens effected; and for certificate or copy of record, fifty cents.

§ 8. The judge of the circuit court of Cook county is hereby authorized and empowered, on application made by petition to him from the board of trade of the city of Chicago, to reduce and fix the compensation allowed by this act to the said port wardens for their service. Reduction of fees, how made.

§ 9. This act to take effect and be in force from and after its passage.

APPROVED Feb. 17, 1851.

AN ACT to define the time of holding the circuit courts in the eleventh judicial circuit. In force Feb. 17, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the counties of Will, Du Page, Iroquois, Grundy and Kankakee (if said county of Kankakee shall become organized) shall constitute the eleventh judicial circuit. Counties composing 11th circuit.

§ 2. That from and after the first day of July next the times of holding courts in said circuit shall be as follows, to wit: In the county of Will, on the second Mondays of April and September of each year; in the county of Du Page, on the fourth Mondays of April and September of each year; in the county of Grundy, on the second Mondays after the fourth Mondays of April and September of each year; in the county of Iroquois, on the fourth Mondays after the fourth Mondays of April and September of each year; in the county of Kankakee (if such county shall become organized) the courts shall be held at such times as the judge of said court shall direct. Time of holding courts.

§ 3. The judge of the eleventh judicial circuit shall hold the spring terms of the circuit court for the present year in the counties of Boone, McHenry and Winnebago, in the same manner as if this law had not been passed. Spring terms for 1851.

Election of
state's attor-
ney.

§ 4. The election of a state's attorney for said circuit shall be held on the first Tuesday of April next, instead of the first Thursday of said month, as provided in the eighth section of "An act to establish the thirteenth judicial circuit," approved February fourth, eighteen hundred and fifty-one; and it shall be the duty of the secretary of state to cause a copy of this act to be immediately forwarded to the clerks of the circuit and county courts of the several counties composing said judicial circuit.

This act to take effect on its passage.

APPROVED February 17, 1851.

In force March 1, 1851. AN ACT to amend chapter nine of the Revised Statutes, entitled "Attachments in circuit courts."

Notice, when to
be published.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That upon the return of attachments issued in aid of actions pending, unless it shall appear that the defendant or defendants have been served with process in the original cause, notice of the pendency of the suit, and of the issue and levy of the attachment, shall be published as is required in cases of original attachment; and such publication shall be sufficient to entitle the plaintiff to judgment, and the right to proceed thereon against the property and estate attached, and against garnishees in the same manner, to the same extent, and with like effects as if the suit had been commenced by attachment.

This act applica-
ble to actions
now pending.

§ 2. In actions now pending in court plaintiffs may give the notice and proceed therein under the provisions of this act.

This act shall take effect on the first day of March next.

APPROVED February 17, 1851.

In force Feb. 17, 1851. AN ACT to legalize certain acts and proceedings of the county court of Du Page county, and to provide for transcribing certain records of the Du Page county circuit court.

Preamble.

Whereas the county court of Du Page county continued to hold and exercise jurisdiction over the county business of said county after the election of officers under the township organization, to wit: from the March term of said court, A. D. one thousand eight hundred and fifty,

until the Tuesday after the first Monday in November following; therefore,

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That all Acts legalised. and singular the acts and proceedings of the said county court, touching the business of said county during the time aforesaid, are hereby declared to be as valid in law as though the township organization had not been adopted in said county.

§ 2. *And be it further enacted,* that Hugh Henderson, Nathan Allen and Abram R. Dodge be and they hereby are appointed commissioners to examine the judgment and execution docket and other records of the Du Page county circuit court, and if in the opinion of said commissioners it shall be necessary, in order to the preservation of the same, that they or any portion thereof be transcribed, said commissioners shall make report thereof to the said court, at its April term, A. D. one thousand eight hundred and fifty-one; which report shall be entered upon the records of said court; whereupon it shall be the duty of the judge of said court to make such order as he shall deem necessary and proper in the premises, to enable the clerk of said court to procure the necessary book or books for such purpose, and to transcribe the records aforesaid. Commissioners to examine records of circuit courts. In what case to be transcribed.

§ 3. It shall be the duty of the said commissioners to fix in their reports aforesaid the compensation which said clerk shall receive for services rendered, in pursuance of this act; and when such transcript shall be completed it shall be the duty of said clerk to certify his services to the board of supervisors of said county, at any regular or adjourned meeting thereof, who shall audit and order the same to be paid out of the treasury of said county. Fees of clerk for transcribing records.

This act shall be in force from and after its passage.

APPROVED February 17, 1851.

AN ACT regulating the payment of money out of the treasury.

In force Feb. 17, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That whenever any person shall be entitled to a warrant on the treasurer, on any account whatever, against whom there shall be any account or claim in favor of the state then due and payable, the auditor of public accounts shall ascertain the amount due and payable to the state as aforesaid, and issue a warrant on the treasurer, stating the amount for which Manner of issuing warrants to persons against whom the state has a set-off.

Proviso.

the party was entitled to a warrant, the amount deducted therefrom, and on what account, and directing the payment of the balance; which warrant so issued shall be entered on the books of the treasurer as for the amount the party was entitled to, but the balance only shall be paid: *Provided, however,* that the action of the auditor under the provisions of this act shall not be conclusive upon any party who may receive any warrant issued as aforesaid, but such party shall have the right to contest, in any court having jurisdiction, the correctness of any decision of the auditor under the provisions of this act.

Right of set-off not to be affected by transfer of claim against state. § 2. No sale, transfer or assignment of any claim or demand against the state, or right to a warrant on the treasurer, shall prevent or affect the right of the auditor to make the deduction and offset provided in the foregoing section.

This act shall take effect on its passage.

APPROVED Feb. 17, 1851.

In force Feb. 17, AN ACT authorizing an additional constable to be elected in Preston precinct, in Randolph county.

Additional constable.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Preston precinct, in the county of Randolph, shall be and is hereby entitled to one constable in addition to the number now allowed by law.

Manner of election.

§ 2. The election for said additional constable shall be ordered and held in the same manner as is now provided by law for filling vacancies in the office of constable, and agreeably to the election laws now in force; and the constable elected under the provisions of this act shall give bond and qualify, and shall be entitled to the same fees, and be liable to the same extent as other constables in this state.

§ 3. This act shall take effect and be in force from and after its passage.

APPROVED Feb'y 17, 1851.

AN ACT providing for a special appropriation.

In force Feb. 17,
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the auditor be and he is hereby authorized and required to draw his warrant in favor of Richard M. Young, for the sum of one thousand dollars, in full for services rendered the state in procuring the re-examination and re-statement of the account relating to the three per cent. school fund due the state of Illinois; and that the same be paid from the funds received from the United States for the encouragement of learning, under the ordinance of April eighteenth, one thousand eight hundred and eighteen.

\$1000, appro-
priated to R.
M. Young.

This act to be in force from and after its passage.

APPROVED Feb. 17, 1851.

AN ACT to establish a general system of banking.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the auditor of public accounts is hereby authorized and required to cause to be engraved and printed, in the best manner to guard against counterfeiting, such quantity of circulating notes, in the similitude of bank notes, in blank, of different denominations, not less than one dollar, as he may, from time to time, deem necessary to carry into effect the provisions of this act; such blank circulating notes shall be countersigned, numbered and registered in proper books, to be provided and kept for that purpose in the office of the auditor, under whose direction, by such person or persons as the said auditor shall appoint for that purpose, so that each denomination of each circulating note shall bear the signature of such register, or one of such registers.

Auditor to pro-
cure bank notes
to be engraved
and printed.

§ 2. Whenever any person, or association of persons, formed for the purpose of banking under the provisions of this act, shall lawfully transfer to and deposit with the auditor any portion of the public stock issued, or to be issued, by the United States, or any state stocks on which full interest is annually paid, or the stocks of this state—the latter stocks to be valued at a rate twenty per centum less in value than the market price of such stocks, to be estimated and governed by the average rate at which such stocks have been sold in the city of New York, within the previous six months preceding the time when such stocks may be left on deposit with the auditor, and in no case shall the auditor issue bills for banking purposes, on bonds of this or any other state,

When to be de-
livered to asso-
ciations or per-
sons.

on which less than six per cent. is not regularly paid, unless there shall be deposited with him at least two dollars in bonds, exclusive of the interest, for every dollar in bills so issued. Such person, or association of persons, shall be entitled to receive from the auditor an equal amount of such circulating notes, of different denominations, registered and countersigned as aforesaid; and it shall not be lawful for the auditor to take such stock at a rate above its par value: *Provided*, that stock shall in no instance be received by the auditor at a rate above the market value at the time of the deposit by said banker or association.

List of notes to be delivered to treasurer. § 3. A descriptive list of the circulating notes so registered and signed shall be delivered to the treasurer, who shall copy the same in the book hereinafter required to be kept by him, for recording descriptive lists of securities deposited with him for safe keeping.

Loan and circulation of notes authorized. § 4. Such person, or association of persons, are hereby authorized, after having executed and signed such circulating notes, in the manner prescribed by this act, payable on demand, at the place of business, within this state, to loan and circulate the same as money, according to the ordinary course of banking business.

Securities to be deposited with treasurer. § 5. Three descriptive lists of the securities transferred to the auditor as aforesaid, shall be made and signed by the auditor and persons making the transfer, one in a well bound book, to be kept by the auditor for that purpose, one in a like book to be kept by the treasurer, and one in a book to be kept by the association; and said securities shall then be delivered to the treasurer for safe keeping, who shall receipt to the auditor for the same, and who shall be responsible for any loss or destruction thereof, growing out of or resulting from negligence, or the want of reasonable precaution and care. The whole or any part of said securities may be re-delivered to the auditor, for the purposes of being sold under the provisions of this act, or being used or disposed of under any order or decree of court, or of being returned to the owner, in conformity with the provisions of this act—the auditor, in either case, giving a receipt upon the book kept by the treasurer aforesaid, specifying therein the purpose for which such re-delivery was made; which receipt shall discharge the treasurer from all further responsibility.

Associations. § 6. Any number of persons may associate to establish offices of discount, deposit and circulation, and become incorporated upon the terms and conditions, and subject to the liabilities prescribed in this act; but the aggregate amount of the capital stock of any such association shall **Amount stock.** not be less than fifty thousand dollars.

Certificate. § 7. Such persons, under their hands and seals, shall make a certificate, which shall specify:

First. The name assumed to distinguish such association, Name.
and to be used in its dealings.

Second. The place where the business is to be carried on, Place.
designating the particular city, town or village.

Third. The amount of capital stock, and the number of Shares.
shares into which the same shall be divided.

Fourth. The names and residence of the shareholder, Names and resi-
dence.
and the number of shares held by each of them respectively.

Fifth. The period at which such association shall com- Period of asso-
ciation.
mence and terminate; which certificate shall be acknow-
ledged and be recorded in the office of the recorder of the
county where any office of such association shall be estab- Certificate to be
filed.

lished, and a copy thereof shall be filed in the office of the
secretary of state and the auditor of state; and upon the
recording of which certificate the person or association of
persons aforesaid shall become a body politic and corporate,
by the name assumed as aforesaid, for and during the time
fixed in the certificate, and by such name shall have power Corporate pow-
ers.
to make contracts; to grant and receive; to sue and be
sued; to plead and be impleaded, in all courts and places
wherein legal or judicial proceedings may be had; to have
and use a common seal, and alter the same at pleasure; to
have, hold, use and enjoy property, real, personal and mix-
ed, with the rents, issues and profits thereof; and to exer-
cise all other powers conferred by this act; and all grants
or conveyances of real estate shall be under the seal of the
corporation, signed by the president, and countersigned by
the cashier.

§ 8. A copy of the certificate required by the — sec- Certified copies
of certificate
to be evidence.
tion of this act, duly certified by the recorder of the coun-
ty and secretary of state, or by either of those officers, may
be used as evidence in all courts and places against any
such association, or any other person for or against whom
any such evidence may be necessary, on any civil or crim-
inal trial.

§ 9. Such associations shall have power to carry on the Banking pow-
ers.
business of banking, by discounting bills, notes, and other
evidences of debt; by receiving deposits; by buying and
selling gold and silver bullion, foreign coins, and bills of
exchange; by loaning money on real and personal securi-
ties, and by exercising such incidental powers as may be
necessary to carry on such business; may choose one of
their number as president, and appoint a cashier and such
other officers and agents as their business may require.

§ 10. The shares of said association shall be deemed Shares of stock
to be deemed
personal prop-
erty, &c.
personal property, subject to taxation, and shall be trans-
ferable on the books of the association, in such manner as
may be agreed on in the articles of association; and every
person becoming a shareholder by such transfer, shall, in
proportion to his shares, succeed to all the rights and liabil-

ities of shareholders by whom the transfer was made. No change shall be made in the articles of association, or of the shareholders or members thereof, by which the right, remedies or securities of its existing creditors shall be impaired. Such association shall not be dissolved by the death or insanity of any of the shareholders therein, when there is more than one shareholder in such association. Taxes shall be levied on and paid by the corporation, and not upon the individual stockholders: the value of the property to be ascertained annually by the bank commissioners herein provided for; and the rate of taxation shall be the same as that required to be levied on other taxable property by the revenue laws of the state.

§ 11. Contracts made by any such association, and all notes and bills by them issued, and put in circulation as money, shall be signed by the president and cashier thereof; and all suits, actions and proceedings, brought or prosecuted by, or in behalf of such association, may be brought or prosecuted in the name of the corporation; and no such suit, action or proceeding shall abate by reason of the death, resignation or removal from office of any president, but may be continued and prosecuted according to such rules as the court of law and equity may direct.

§ 12. Any persons having demands against any such association, may maintain actions against the corporations; which suits or actions shall not abate by reason of the death, resignation or removal from office of any president, but may be continued and prosecuted to judgment against the corporation; and all judgments and decrees obtained against such corporation, for any debt or liability of such association, shall be enforced against the property of the same, except such judgments or decrees as may be obtained against shareholders as herein provided.

§ 13. The auditor may give to any person or association of persons, so transferring stocks, in pursuance of the provisions of this act, power of attorney to receive interest or dividends thereon, and apply the same to their own use; but such powers may be revoked upon such person or association failing to redeem the circulating notes so issued, or whenever, in the opinion of the auditor, the principal of such stock shall become insufficient security; and the auditor may, upon the application of the owner or owners of such stock, re-transfer to such owner or owners, upon receiving and cancelling an equal amount of such circulating notes, delivered to him by each person or association, in such manner that the circulating notes shall always be secured in full by the pledge of stocks; which circulating notes after descriptive lists thereof have been made and recorded by the auditor and treasurer, shall, in presence of these officers, be consumed by burning.

§ 14. In case such person or association of persons shall fail or refuse to pay any bill or note on demand, in the manner specified in the seventeenth section of this act, the auditor, after ten days' notice given in two newspapers printed in the city of New York, therein mentioned, may proceed to sell, at public auction, in the city of New York, the public stock so pledged, or such portion as may be necessary, and out of the proceeds of such sale shall cancel and pay the said bill or note, default in paying which shall have been made as aforesaid; but nothing in this act contained shall be considered as implying any pledge on the part of the state for the payment of said bills or notes, beyond the proper application of the securities pledged to the auditor for their redemption.

Proceedings in case of failure to redeem bills.

§ 15. The public stock to be deposited with the auditor by any such person or association, shall be—first, for the redemption of bills or notes of such person or association, put in circulation as money, until the same is paid; second, for the payment of all other liabilities, and the excess for the use of stockholders.

Application of securities.

§ 16. The plate, dies and materials to be provided by the auditor for the printing and marking of the notes provided for hereby, shall remain in his custody and under his direction; and the expense incurred in executing the provisions of this act, shall be audited and settled by the auditor, and paid out of any money in the treasury not otherwise appropriated; and for the purpose of re-imbursing the same, the said auditor is authorized and required to charge against and receive from such person or association applying for such circulating notes, such rate per cent. thereon as may be sufficient for that purpose.

Plates, dies, &c. to remain in custody of auditor.

§ 17. It shall not be lawful for the auditor, or other officer, to countersign bills or notes for any person or association, to any amount, in the aggregate exceeding the public stock deposited with the auditor by such person or association, as provided in the second section of this act; and any auditor, or other officer, who shall violate the provisions of this section, shall, upon conviction, be adjudged guilty of a misdemeanor, and shall be punished by a fine not less than five thousand dollars, and be imprisoned not less than five years in the penitentiary.

Amount of notes not to exceed securities.

Penalty.

§ 18. Every association under the provisions of this act, shall be liable to pay the holder of every bill or note put in circulation as money, the payment of which shall have been demanded and refused, damages for the non-payment thereof, in lieu of interest, at the rate of twelve and one half per cent. per annum, from the time of such refusal until the payment of such evidence of debt and the damage thereon. The president and cashier of every association formed pursuant to the provisions of this act, shall

Damages for non-payment of bills.

List of shareholders.

keep a true and correct list of the names of all the shareholders of such association, and shall file a copy of such list in the office of the clerk of the county where any office of such association may be located, and also in the office of the auditor, on the first Monday in January, in every year.

Notes, where payable.

§ 19. It shall not be lawful for any association under this act, to make any of its bills or notes, put in circulation as money, payable at any other place than at the office where the business of the association is carried on and conducted.

Notes to be payable on demand in specie.

§ 20. No banking association or individual banker shall issue or put in circulation any bills or notes of such association or banker, unless the same shall be made payable on demand. And every such association or bankers shall always keep on hand a sufficient amount of specie to redeem all such bills or notes as they may be presented at the place of payment.

Mutilated notes to be exchanged by auditor, and lists thereof to be kept.

§ 21. It shall be the duty of the auditor to receive mutilated notes issued by him, and re-deliver, in lieu thereof, other circulating notes, to the same amount. And two descriptive lists of such mutilated notes so received, and of notes re-delivered, shall be made; one to be retained by the auditor, the other by the treasurer, and copied in each office on the book kept for the purpose of recording descriptive lists of securities; and all such mutilated notes shall, at the time they are received, be consumed by burning, in the presence of said officers.

Grants, &c. preferring creditors, to be void as to other creditors.

§ 22. All grants, conveyances, assignments, transfers, sales, or other disposition of property, rights, credits or effects by any such corporation, for the purpose or with intent to secure the payment of one liability in preference to another or others, or in any manner to secure any priority or preference to any one or more creditors, or which shall be intended to have such operation or effect, shall be void in respect to all other persons and creditors whose rights or remedies may be effected thereby.

Purposes for which real estate may be held and conveyed.

§ 23. It shall be lawful for such association to purchase, hold and convey real estate for the following purposes:

1st. Such as shall be necessary for its immediate accommodation, banking-houses, and buildings connected therewith in the transaction of its business.

2d. Such as shall be mortgaged to it in good faith, by way of security for loans made by and money due to such association.

3d. Such as shall be conveyed to it in satisfaction of debts previously contracted in the course of its dealings.

4th. Such as it shall purchase at sales under judgments, decrees or mortgages held by such association, and at sales under judgments and decrees in favor of others, where it

is done with the sole view of securing and saving debts due, or to become due to such corporation.

§ 24. The said association shall not purchase, hold or convey real estate in any other case or for any other purpose whatever; and all conveyances of such real estate shall be made to the corporation, and which the president and cashier, or either, may sell, assign, grant or convey under the direction of the association, free from any claim thereon in favor of or against the shareholders, or any person claiming under them.

Restrictions in purchase and sale of real estate.

§ 25. Upon the application of the auditor, the shareholders of any such association, whose debts or shares shall amount to three thousand dollars, and stating facts, verified by affidavit, the judge of the circuit court of the county in which the business of the association may be conducted, may order an examination to be made by any competent person or persons, to be by him appointed, of the affairs of such association, for the purpose of ascertaining the safety of its investments and the prudence of its management; and the result of such examination, together with the opinion of the judge thereon, shall be published in such manner as he shall direct, and who shall make such order in respect to the expenses of such examination and publication as he may deem proper.

Investigation of affairs of banks when made.

§ 26. In case the maker or makers of any such circulating notes, countersigned and registered as aforesaid, shall, at any time hereafter, on lawful demand, during the usual hours of business, between the hours of ten and three o'clock, at the place where such note or notes is or are payable, fail or refuse to redeem them in the lawful money of the United States, the holder of such note or notes making such demand may cause the same to be protested for non-payment, by a notary public, in the usual manner, and the auditor, on receiving and filing in his office such protest, shall forthwith give notice, in writing, to the association or banker, the maker or makers of such notes, to pay the same, and if he or they shall omit to do so, the auditor shall, immediately thereupon, (unless such association or banker shall satisfy him by affidavits filed in his office that they or he had a good defence as against the person presenting the same to a recovery thereof,) give notice in at least one paper printed (if any paper is so printed or published) at the place of business of such person or persons, bank or association, so refusing payment of any notes, (and in one newspaper published at the seat of government of the state of Illinois,) that all the circulation issued by such person or association will be redeemed out of the trust funds belonging to the maker or makers of such protested note, to the payment, *pro rata*, of all such circulating notes, whether protested or not, and to adopt such measures for

Failure to redeem.

Protest.

Duty of auditor.

the payment of such notes as will, in his opinion, most effectually prevent loss to the holders thereof. And so soon as any such note shall be protested as aforesaid, a copy of such protest shall be delivered to the president, cashier or principal clerk at the office or place of business of the association. The powers and duties of any such association or banker over or with the same shall cease and determine, and all the officers connected with the same shall be prohibited from exercising any control whatever over the same, unless by the decision or decree of the court in which proceedings may be had for the appointment of receivers and winding up the affairs of the association, it shall be determined that such association was not bound to pay the note or bill protested as aforesaid, the protest thereof to the contrary notwithstanding: *Provided*, that the legal existence of the corporation shall continue for purposes or proceedings in courts for and against the same, and of avoiding the loss of property of any kind, for want of a person in being to hold the same, but for no other purpose whatever. And it shall be the duty of the auditor to apply to any judge of the circuit court of this state, whose duty it shall be to appoint (a disinterested person or persons) a receiver or receivers, to take the assets and property of every such banker or association into his or their possession, and collect debts due, and apply all such assets and property as may come into his or their possession, under the direction of the circuit court of the county in which the corporation was located—first, to the redemption or payment of circulating notes; second, to the payment of all other indebtedness; and third, to the payment of stockholders on account of stocks invested. Receivers appointed under the provisions of this act shall give bond and security as may be required by the judge or court appointing them.

§ 27. That the distribution and application of all the means, assets, and property of any such banker or association, as shall come into the hands of any such receiver or receivers, or as shall be in the hands of the auditor, shall first be applied in payment and satisfaction of all notes issued as and for a circulating medium, by any such banker or association.

§ 28. The amount of stock owned and held by any individual banker, or by any stockholder in any such association, shall be held and controlled by the receiver or receivers as aforesaid, for the payment of any note put in circulation; the said liability to continue for the space of six months after the assignment by him of any such stock; and any stockholder, who is really the party in interest, shall be liable as aforesaid, although such stock may be held and recovered in the name of some other party or individual.

Power of corporation to cease.

Proviso.

Receivers.

Application of assets.

Notes in circulation to be first paid.

Liability of bankers.

§ 29. The names of all stockholders in any such association shall be written, at length, and in legible characters, and shall be continually exposed, during banking hours, for public inspection; and every transfer of stock, with the date of assignment, shall be exhibited in like manner.

List of stockholders required to be kept for public inspection.

§ 30. That each and all the provisions of this act shall apply to and control, in all respects, any banker who shall conduct business under the provisions of this law, whether the word banker is or is not used in any such provision.

Application of provisions of this act.

§ 31. At the next session of the general assembly after this act takes effect, and every fourth year thereafter, the governor shall nominate, and by and with the advice and consent of the senate appoint, three citizens of the state as bank commissioners, whose duties shall be to make annual examination in respect to the affairs and business of associations incorporated under the provisions of this act, and in respect to the condition and management thereof, and also to inspect the securities filed with the auditor and treasurer, so as to be able to determine whether or not any change has been made in said securities, as well as in respect to the sufficiency of such securities to meet the liabilities of the corporation, and to report thereon to the auditor and to each corporation. Such commissioners shall have power to examine all books, papers and documents appertaining to the business of the corporation, and to swear or affirm all officers, agents and others connected with the corporation, in respect to any matter or thing about which they have the right to enquire, and their reports shall be published at the seat of government, and such other papers as they may direct.

Bank comm'rs, appointment, powers and duties of.

§ 32. If the said bank commissioners shall ascertain, upon any examination which they may make, that any change has been made in the securities deposited with the treasurer, or that any part thereof has been lost, destroyed, or improperly withdrawn, or in any way or manner misused or misapplied, or that securities have from any cause become lessened in value or insufficient as security for the redemption of bills or circulation, they shall notify the president and cashier of such association or corporation liable to be affected by any such state of facts, of the discovery thereof, and require the transfer and deposit of other securities, of like kind and value with those originally transferred, to supply the place of those changed, lost, destroyed or improperly withdrawn, or which shall have become insufficient security as aforesaid, in a reasonable time, to be fixed by said commissioners; or that said association or corporation surrender to the auditor to be burned, a sufficient amount of bills to reduce the liability of such association to such sum as that the securities in possession of the treas-

Diminution of securities, how remedied.

urer, will be sufficient for the redemption of all bills or notes not so surrendered; and in case of any failure to comply with any such requisition, the commissioners shall report the facts to the auditor as well as to all the other associations incorporated under the provisions of this act; and the auditor shall thereupon proceed to put such defaulting association or corporation into liquidation, as provided for in cases of failure to redeem or pay notes or bills on demand.

Quorum.

§ 33. Any two of said bank commissioners shall constitute a quorum to transact business.

Reports to auditor.

§ 34. Every banking association or individual banker who shall hereafter carry on banking business under the provisions of this act, shall make out and transmit to the auditor of state a full statement of its affairs, as they existed on the first Monday of January, April, July and October of each year, verified by the oath of its president and cashier; which statement shall be deposited in the office of said auditor, by the twentieth day of each of said months in each year; which statement shall be published, quarterly, in the nearest newspaper; and such statement shall contain—

Am't of stock.

1st. The amount of capital stock of the association or individual banker, paid in and invested according to law.

Value of real estate.

2d. The value of the real estate, specifying what portion is occupied by the association or individual banker for the transaction of business.

Claims.

3d. The debts owing to the association or individual banker, and the date and amount of each bill or note discounted, and when the same was made payable.

Debts.

4th. The amount of debts owing by the association or individual banker, and the amount deposited in other banks.

Notes in circulation.

5th. The amount of notes or bills, then in circulation, of said association or banker; of loans and discounts, and specie on hands; what amount of notes of other banks is held by such banker or association.

Suspended debt.

6th. The amount of suspended debt held by such association or banker.

Penalty for neglect to report.

§ 35. Every association, or individual banker, that shall neglect or refuse to make out and transmit the statement required in the — section of this act, shall be restrained from the further prosecution of the banking business, and shall forthwith go into liquidation.

Securities, when to be surrendered.

§ 36. Whenever any individual banker or association, desirous of relinquishing the banking business, shall have redeemed, at least, ninety per cent. of their circulating notes, and shall produce a certificate of a deposit to his credit, in such bank as the auditor may approve, to an equal amount with the notes of such banker or association, it shall be lawful for the auditor to receive the same, and to give up all

the securities theretofore deposited by such banker or association, for the redemption of the notes issued.

§ 37. Such association or individual, after having com- Notice.
 plied with the provisions of the preceding section of this act, may give notice, for three years, in a paper published at the seat of government, and also in at least one paper published in the county where the said association or bank shall have been located, that all circulating notes issued by such association or banker must be presented at the auditor's office, within three years from the date of such notice, or that the funds deposited for the redemption of the notes will be given up to the bank or association; and on receiving satisfactory proof of the giving such notice for the time aforesaid, the auditor shall surrender, to the order of said association or banker, any securities which he may hold for the payment of any unredeemed notes of the said association or banker; such notice to be published at least three weeks in each six months of each year.

§ 38. That any such association or banker, doing busi- Rate of interest.
 ness under the provisions of this act, shall not be authorized to take or receive exceeding seven per centum per annum as interest on any real or personal security; which interest may, in all cases, be received in advance; and in the computation of time thirty days shall be a month and twelve months a year.

Notes, bills, and all other evidences of indebtedness to corporations or associations organized according to the provisions of this act, falling due or maturing on the Sabbath, or on the Fourth of July, or on Christmas, or New Year's day, shall be deemed as due or as having matured on the day previous. Maturity of notes falling due on Sunday, &c.

The stockholders in every corporation or association organized under the provisions of this act, shall be individually responsible to the amounts of their respective share or shares of stock for all of its indebtedness and liabilities of every kind, to the full intent provided for in the constitution of this state. Individual responsibility.

When the property, rights, credits, assets, and effects of any corporation or association put into liquidation, under the provisions of this act, shall have been exhausted in the redemption of notes and payment of liabilities, and there shall remain unpaid any indebtedness or liability of any kind, any person having right or cause of action upon or on account of any such remaining indebtedness or liability, shall have remedy, in any court of record having jurisdiction, against the stockholders for the amount due upon such indebtedness or liability; and to enforce this remedy, any such person may institute and maintain any appropriate action or suit in equity against the corporation or association, and upon the trial of such action or the hearing of such suit, if Proceedings in liquidation, when assets are exhausted.

judgment or decree is attained against the corporation or association, the court shall direct an issue or issues to be made in the cause, for the purpose of ascertaining and deciding upon the liability and extent thereof of each stockholder under and according to the provisions herein, and of the constitution; and upon the decision of such issue or issues, the court shall enter judgment or decree against each stockholder for the amount and to the extent of his, her or their liability so ascertained; upon which judgment executions may issue against the stockholders in succession, until the amount of the judgment against the corporation shall be paid or collected, or the liabilities of the stockholders extinguished; and payments or collections made upon judgments against stockholders, shall operate to extinguish the liability of such stockholders to the extent or amount of such payments or collection.

**Judgments and
Decrees.**

Judgments or decrees entered against stockholders, under the provisions of this act, shall stand and remain as security for the payment of any judgment or decree which may thereafter be obtained against the corporation under the provisions hereof; and when any such subsequent judgment or decree shall be obtained, the court shall order execution or executions to issue against stockholders liable to pay the same, until the amount shall be paid or collected, or the liabilities of stockholders shall be extinguished.

**Proceedings in
case of two or
more judg'ts,
&c.**

Whenever two or more judgments or decrees are obtained at the same term of the court in favor of different parties against any corporation, under the provision of the three foregoing sections, the aggregate amount of which shall exceed the amount for which the stockholders are liable, the court shall direct the amount collected to be divided between the said parties *pro rata*, or in proportion to the several amounts, and the same apportionment shall be made of money collected on any such judgments when the whole amount thereof cannot be collected.

Satisfaction.

Whenever any stockholders shall have paid the amount that he, she or they is or are liable, the court shall, on motion and proof of the facts of each payment, order satisfaction of the judgment, as against or in any respect to such stockholder, to be entered of record.

**Submission of
this act to the
people, time of.**

§ 39. At the general election to be held on the Tuesday next after the first Monday in November, one thousand eight hundred and fifty-one, at all the usual places of holding elections in this state, for the election of senators and representatives to the general assembly, the question whether or not this act shall go into effect, or in any manner be in force, shall be submitted to the people, and if the same is approved by a majority of all the votes cast at said election for and against the same, it shall go into effect and be in force from and after the date of said election; otherwise it shall not go into effect or in any manner be in force.

§ 40. Every person voting at said election shall have the right to use a ticket or ballot, with the words written or printed thereon, "For the general banking law," or "Against the general banking law;" which words shall indicate the vote of the elector for or against the approval of this act; and upon canvassing and counting the votes, each clerk of the election shall carefully mark down the votes given upon said questions, in separate columns prepared for that purpose, headed "For the general banking law," "Against the general banking law;" and the judges or board of election shall, in the certificate required to be given of the result of said election, include the number of votes given for and against the general banking law as aforesaid.

Manner of vot-
ing.

§ 41. In making the abstracts of votes given at said election, as required by the election law, the clerks shall make separate abstracts of the votes given under the provisions of this act, which shall be on one sheet, a copy of which shall, without delay, be transmitted by mail or other safe conveyance to the office of the secretary of state, indorsed thereon by the clerk, "Abstract of votes for and against banking," or in words clearly indicating the contents of the paper; and the abstract so transmitted shall be opened and the votes canvassed in the time and manner, and by the officers provided for in relation to the election for representatives to congress; and if it should appear that a majority of the votes cast upon said question are for the general banking law as aforesaid, or if it shall appear that the majority of votes cast are against said law, the officers canvassing the votes, shall under their hands, make a certificate of the facts, stating the number of votes given for and against said law, and file the same in the office of secretary of state, to be by him recorded and filed with the enrolled act to which it refers; and the said certificate or a copy thereof, certified by the secretary of state or keeper of enrolled laws, under the seal of office, shall be conclusive evidence of the facts therein stated; and upon the making and filing thereof, the secretary of state shall cause the same to be published, three weeks in succession, in two newspapers published at the seat of government.

Return and can-
vass of votes.

No corporation or association organized under the provisions of this act, shall exist longer than twenty-five years.

Limitation of
corporations.

The foregoing act having passed both houses of the general assembly, and having been laid before the governor, was by him, on the 15th day of February, A. D. 1851, returned to the house of representatives, in which it originated, with his objections thereto in writing, and on the same day, being reconsidered, passed the house of representatives and the senate, by a majority of all the members elected thereto respectively, and thereby became a law, the objections of the governor to the contrary notwithstanding.

In force Feb. 17, AN ACT to amend chapter ninety-three of the Revised Statutes, and to locate certain roads.
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That county surveyors may act as road viewers in their respective counties, without further qualification, and may administer the proper oath of office to other road viewers who may be associated with him or otherwise. Road viewers may assess damages incident to the laying out of roads, and report their assessment to the county courts of the counties in which such roads may be located.

County surveyors may be road viewers.

§ 2. That Jesse McCutchin and David Brewer, of Fulton county, and Solar Blakesly and S. B. Anderson, of Knox county, are hereby appointed commissioners to view and locate a state road commencing at the town of Canton, in Fulton county, running thence, upon the most direct route and feasible one, to the town of Knoxville, in Knox county; and in all cases to locate the same upon the route of any (now) established road, whether county or state road, or such parts of any such road when the same can be so done consistently with the route.

Commissioners to locate road from Canton to Knoxville.

§ 3. That Thomas Standard, Josiah Moore and Anson Smith, of Fulton county, be and they are appointed commissioners to view and locate a state road commencing at the town of Canton, in Fulton county; thence, upon the most direct and feasible route, to the town of Ellisville in Fulton county, and so far as consistent to locate the same upon the most established road along said route.

Road from Canton to Ellisville.

§ 4. That Justice Bangs, Josiah S. Flink and Willard Cook be and they are hereby appointed commissioners to lay out, mark and locate a state road from Algonquin, in McHenry county, by the way of the village of Wauconda, in Lake county, and running, in a northerly and easterly direction, to some point as near the toll-gate at John Gage's residence, in Lake county, as the viewers may deem proper. Two or all of said commissioners shall meet, within six months from the passage of this act, at the village of Wauconda, in Lake county, and proceed to perform the duties of this act.

Road from Algonquin to John Gage's residence.

§ 5. Said commissioners shall return a plat, with the courses and distances thereof, to the board of supervisors of each county through which said road shall pass, giving an entire view of the location of the whole road; which shall be filed and recorded.

Plat to be made out and returned.

§ 6. The compensation allowed shall be as follows: to each commissioner, one dollar and fifty cents per day; to the surveyor, two dollars per day; to chainmen, axemen, and other hands, one dollar per day, exclusive of incidental expenses for provisions, forage and hire of teams. They

Compensation.

shall keep an accurate account of the time employed and expenses incurred, the persons to whom due, and certify the same to the board of supervisors or county court; the whole being added, each county shall allow and pay the amount due in proportion to the distance or length of such road in each county.

§ 7. It shall be the duty of each and every board of supervisors or county court through whose county said road may pass, to cause the same to be opened, worked and kept in good repair as other state roads. The said commissioners, before they enter upon their duties, shall be bound to locate the said road according to the best of their abilities, and without fear, favor or partiality.

Duty of board of supervisors, or county court.

§ 8. That as much of the act entitled "An act declaring a certain road therein named a state road," in Fulton county, approved February sixteenth, one thousand eight hundred and forty-seven, as provides that "it shall not be lawful for any person, persons or corporation to erect any toll-gate, demand or receive any toll or tax from any passengers or travelers upon said road," be and the same is hereby repealed.

Part of act relating to road in Fulton county repealed.

§ 9. That Daniel Grovandyke, David W. Barnes and Henry S. Hyatt be and they are appointed commissioners to view, lay out and locate a state road commencing at any convenient point in the town of Canton, in Fulton county, running from thence and upon the most direct and practicable route, by way of Monterey and Utica, to or near the mouth of Copperas creek on the Illinois river. Said commissioners shall lay out such road four rods wide, and over or upon the track of any such road or street now used and considered as a public highway, or such parts thereof as can be reasonably used for that purpose, as the said commissioners, or a majority of them, shall in their judgment determine. When such road is laid out and located, a survey and plat thereof shall be filed in the office of the clerk of the county court. The county court or board of supervisors (as the case may be) shall cause the same to be opened and worked as other state or public roads. The said road shall not be subject to vacation, or alteration in any manner, on any pretence, for the term of fifty years.

Road from Canton to mouth of Copperas creek.

Duty of commissioners.

Road not subject to alteration for fifty years.

§ 10. That Matthew W. Busey, of the county of Champaign; Asa Duncan and Hiram Hickman, of the county of Vermilion, be and they are hereby appointed commissioners to view, mark and lay out a road from Urbana, in Champaign county, *via* Myer's mill, in Vermilion county; thence east, to a point on the state line in said last mentioned county, to intersect a road leading to the town of Williamsport, Indiana.

Road from Urbana to Indiana line.

§ 11. The said commissioners shall meet at Urbana, in Champaign county, on the third Monday in May next,

Duty of commissioners.

or as soon thereafter as practicable, and after being sworn by some justice of the peace faithfully to discharge the duties required of them by this act, shall proceed to view the two following routes, to wit: the first commencing at said town of Urbana; thence east, through Pilot Grove, in Vermilion county; thence east, to Vermilion Rapids; thence east, to Myer's mill, in said county; thence east, to a point on the state line, to intersect a road leading to Williamsport, Indiana, as aforesaid. The second, commencing at said town of Urbana; thence east, to a point about one mile north of Burr Oak Grove; thence an easterly course, to the north-west quarter of section thirty, in township twenty-one N., R. thirteen west; thence east, to Thomas H. Chenowith's, on the line between section twenty-two and twenty-seven, township twenty-one N., R. thirteen west; thence an easterly course; thence to intersect the Ottawa road at Elon Sperry's; thence east, to said Myer's mill, in said county of Vermilion. After viewing said two routes the said commissioners shall proceed to locate and lay out said road from said town of Urbana to a point on the state line as aforesaid, on the best and most convenient route of said two routes described as aforesaid, by marking trees in the timber and setting up stakes or ploughing in the prairie. And the said commissioners, having located said road as aforesaid, shall, within forty days thereafter, make a report and return to the office of the county clerk of each of said counties through which said road may pass, or to the clerk of the board of supervisors of either of said counties [which] shall organize under the township organization law.

Plats to be recorded.

One copy of the plat of the survey, together with the field notes thereof, which, together with the report of said commissioners, shall be spread upon the records of the said county courts or board of supervisors, as the case may be.

Opening and repair of road.

§ 12. The county court or board of supervisors, as the case may be, of each county through which said road may have been located, shall, at the first term of said courts which shall be held after the location as aforesaid, notify the supervisors of roads in the districts in which said roads are laid out, of the location aforesaid, and cause the same to be opened immediately, to the width of four poles, and kept in good repair as other state roads are.

Part of act repealed.

§ 13. That the 17th section of an act entitled "An act to locate, re-locate, vacate, and establish certain state roads," approved March 1st, 1847, or so much thereof as confines the line of said state [road] to the third principal meridian, be and the same is hereby repealed.

Commissioners to locate road near third meridian.

§ 14. That Lewis F. Casey, of Jefferson county; William C. Greenup, of Fayette county; Benjamin Wyatt, of McLean county; Simon P. Shope, of Crawford county; Thomas Patterson, of Marshall county; John Hoffman, of La

Salle county, be and they are hereby appointed commissioners to view, mark, survey and re-locate said state road on the most suitable and best ground, and as near the third principal meridian as the ground and situation of said ground will admit, doing as little damage to private property as may be; and which re-location shall be made with great care, with a view to the same being made a permanent road, and a majority of said commissioners shall be a quorum to act.

§ 15. Said commissioners shall commence at the north line of Massac county where the third principal meridian crosses the said county line, thence north to the north line of Marshall county, at or near where the third principal meridian crosses said line; thence, on the most suitable ground and direct route, to the town of La Salle, in La Salle county. Beginning of location.

§ 16. Said commissioners shall proceed to re-locate said road, on or before the first day of June next, and shall complete the same on or before the first day of September next ensuing, and file a copy of said survey and report with the clerk of the county court or board of supervisors of each and every county through which said road shall pass, to be recorded and filed in his said office. And it shall be the duty of said clerks to lay the same before the county court, or board of supervisors, as the case may be. And said county aforesaid shall cause the said road to be opened without delay, and made passable for traveling, and cause the same to be improved from year to year, with a view to making said road one of the main important roads of this state. Time when location to be made.

Plate and report to be filed and recorded.

§ 17. That Thomas Gowan and Thomas Henderson, of Fulton county, and Alfred Wallace and Archibald Edmonston, of Shuyler county, be and they are hereby appointed commissioners to view and locate a state road from Astoria, in the county of Fulton, to the town of Rushville, in the county of Schuyler. Road from Astoria to Rushville.

§ 18. Said commissioners, or a majority of them, shall meet in the town of Astoria, on the first Monday of April next, or within six weeks thereafter, and after being duly sworn and qualified by some justice of the peace, shall proceed to locate and mark said road, on the nearest and best route, from the said town of Astoria to the town of Rushville. Duties of commissioners.

§ 19. That the county courts of the several counties of this state shall have the supervision and control of all roads and public highways within their respective counties, whether such county be organized under or by virtue of the "township organization law" or otherwise, and shall be governed by the several laws of this state relating to roads and public highways previous and at the time of such Duty of county courts or boards of supervisors.

Acts repealed. organization, and all laws and parts of laws coming within the purview of this act, or inconsistent therewith, be and the same are hereby repealed.

Road from Albion to Salem. § 20. That Cadwallader Jones, of Edwards county; Jacob H. Biddle, of Wayne county, and Ephraim Meadows, of Marion county, are appointed commissioners to mark, view and locate a state road from Albion, in Edwards county, to New Massillon, in Wayne county, and thence to Enterprize, in said county, and thence to Salem, in Marion county.

Duty of commissioners. § 21. Said commissioners, after being duly sworn, shall, soon as practicable thereafter, proceed to perform said duty, doing as little damage as possible to private property; and shall, in a reasonable time thereafter, file plats of said road in the offices of the county clerks of said counties; which plats, with a report of their doings in the premises, shall remain and be entered of record in said counties.

Road from Meredosia to Warsaw. § 22. That Jacob Dailey, Barsilla Chattan and Alexander McClintock are appointed commissioners to lay out and locate a state road from Meredosia to Warsaw, commencing at the east line of section eighteen, in township one north, range five west; thence north, to the north-east corner of said section; thence west, on a road leading from Rushville to Quincy, to the south-west corner of sec. 11, in T. 1 N., R. 6 W; thence one half mile; thence north-west, following a road connecting said state road with a road leading from Pulaski to Columbus, to intersect the above state road at or near McAnnity's lane.

Road from Sparta to Cairo. § 23. That Robert Nesbit, of Randolph county; Hiram Pennoyer, of Jackson county; John Hunsaker, of Union county, be and they are hereby appointed commissioners to view, mark and locate a state road from Sparta, in Randolph county, to the city of Cairo, in Alexander county, by way of Murphysborough, in Jackson county, Western Saratoga, in Union county, and near old Peru, in the south part of Union county, on the most eligible route.

Duty of commissioners. § 24. Said commissioners, after being duly sworn before some justice of the peace, shall, as soon as practicable thereafter, proceed to perform the duties as required by this act, avoiding as much as possible damage to private property. Said commissioners, in a reasonable time thereafter, shall cause to be filed a complete plat in the county commissioners' clerk's office of each county through which said road shall run; which report and plat shall be preserved and entered on the records of said courts.

Plat to be filed and recorded. § 25. The said commissioners shall have power to employ a surveyor, and such other persons as may be necessary in the survey and location of said road; and said commissioners and surveyor, and such other persons so employed, shall be allowed a reasonable compensation for the time

Surveyor, &c., may be employed.

necessarily employed, out of the treasury of the respective counties through which said road may pass, in proportion to the time employed in each of said counties in laying out said road; and when said road is laid out as aforesaid the county commissioners' courts of the aforesaid counties shall cause the same to be opened and kept in repair as other state roads are.

§ 26. Also, to change a part of the state road leading from Palestine, in the county of Crawford, to Lawrenceville, in the county of Lawrence, as follows, to wit: to commence at north-east corner of section sixteen, in town six north, of range eleven west, and running along the said [road] until the same takes an easterly direction, and thence due north until it reaches the bluff of Lamotte creek; thence north-easterly, along said bluff, until it unites with the present traveled road; and that John W. Hoit, James McDaniel and John Martin be appointed to locate the same.

APPROVED February 17, 1851.

Road from
Palestine to
Lawrenceville.

AN ACT to grant certain pre-emptions therein named.

In force Feb. 17,
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That a pre-emption right be and the same is hereby granted to Christopher C. Venum, on lot number three (3,) in the north-west quarter of section number three (3,) in township number twenty-five (25) north, of range twelve (12) west of the second principal meridian; also, to Robert Nilson, on lot number four (4,) in said section of land; also, to John Nilson, jr., on ten acres off south side of lot number five (5,) in the same section of land; also, to Robert Nilson, as executor of the last will and testament of John Nilson, deceased, on the residue of lot number five (5,) in said section of land, and on the east half of lot number six (6,) in same section of land. And the said several persons, or their legal representatives, or the successor in office of said executor, shall have the exclusive right of purchasing said tracts respectively, within one year from and after the passage of this act, by paying to the auditor of public accounts the sum of one dollar and twenty-five cents an acre for their respective tracts. And whenever the said auditor shall certify to the governor of this state that said persons, or either of them, have paid the amount required upon their respective tracts of land, the governor shall cause to be issued to each of said persons, or their successors or legal representatives, a patent for his, her or their respective portions of said lands.

Pre-emption to
C. C. Venum.

Robert Nilson.

John Nilson, jr.

Robert Nilson,
as executor.

Patents.

Acts suspended
and repealed.

§ 2. The provisions of an act entitled "An act granting certain pre-emptions therein named," approved Feb. 12, 1849, so far as the same relates to John Nilson, are hereby suspended, and an act entitled "An act to grant pre-emptions to Christopher C. Venum, Robert Nilson and Robert Hill," approved Feb. 12, 1849, is hereby repealed.

This act to be in force from its passage.

APPROVED Feb. 17, 1851.

In force Feb. 17, 1851. AN ACT to authorize the county court of Effingham county to cause the tax books to be examined and errors corrected.

Preamble.

Whereas Samuel B. Parks, collector for the county of Effingham, has been unable to have his accounts for the revenue of the years one thousand eight hundred and forty-six, one thousand eight hundred and forty-seven, one thousand eight hundred and forty-eight and one thousand eight hundred and forty-nine, adjusted, and it being represented that there are a large amount of errors and double assessments on the tax books for the years aforesaid; therefore,

Re-examination
of tax-books.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the

Legal proceedings
delayed.

county court of said county be and they are hereby authorized and required to cause the tax books for the years above referred to be examined and the proper abatements for errors, &c., allowed. And the auditor is hereby authorized to delay proceedings on the bonds of said collector until he shall have a reasonable time to have the accounts adjusted as aforesaid.

APPROVED Feb. 17, 1851.

In force Feb. 17,
1851.

AN ACT to amend the several laws in relation to limitations.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That all

Rule as to causes
of action
which accrued
under act of
Feb. 10, 1849.

causes of action which accrued during the time that the act entitled "An act to amend the sixth chapter of the Revised Statutes, entitled 'Limitations,'" approved on the tenth day of February, one thousand eight hundred and forty-nine, was in force, and where a different period is prescribed by that act from the one provided by the act entitled "An act to amend the several acts concerning limitations of actions," approved on the fifth day of November, one thousand eight

hundred and forty-nine, shall be governed by the provisions of the latter act.

§ 2. That all causes of action existing at the time, or which had accrued prior to the thirteenth day of April, one thousand eight hundred and forty-nine, when the first of the above recited acts became a law, and for the barring of which there was no previous statute, shall be governed by the provisions of that act; the time limited thereby to commence to run from and after said act became a law.

Rule in causes of act'n which accrued previous to said act.

This act to take effect on its passage.

APPROVED February 17, 1851.

AN ACT to provide for the support of paupers in Lake county.

In force February 17, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the several townships in the county of Lake, be and they hereby are empowered to support all paupers residing within their respective limits, out of the treasury thereof: *Provided, that* at the next general election to be held in said county, on the Tuesday after the first Monday in November next, a majority of the legal voters of said county voting at said election shall vote in favor of such separate township support; which vote shall be by ballot, written or printed, or partly written or partly printed, "For township support," or "Against township support;" which shall be canvassed and returned in the same manner as in cases of elections for county officers.

Towns authorized to support their own paupers.

Provide.

§ 2. It shall be the duty of the clerk of the county court of said county to give notice of the said election in the same manner as is provided for giving notices of general elections.

Duty of county clerk.

§ 3. That in case separate township support shall be adopted in said county, agreeably to the provisions of the first section of this act, then the overseer of the poor of the several townships aforesaid shall take charge of, maintain and support the poor of their respective townships, in manner as is now or may hereafter be provided by law; and all expenses incurred for such maintenance and support shall be considered a township charge; and it shall be the duty of said overseers to present to the board of township auditors of their respective townships, at each regular annual meeting thereof, a true account of all expenditures incurred under the provisions of this act; which shall be audited and paid as other township charges are audited and paid.

Overseers of the poor, duty of.

§ 4. If any person shall become chargeable in any township of said county in which he or she did not reside at the

Non-resident paupers, how provided for.

commencement of the thirty days immediately preceding his or her becoming so chargeable, he or she shall be taken care of by the the overseer of the poor of such township; and if such poor person was a resident of any other township of said county, within the thirty days aforesaid, then the overseer of the poor of the township having such poor person in charge, shall give notice to the overseer of the poor where such pauper resided as aforesaid, stating that such pauper became chargeable as a pauper, and requesting said overseer to remove said pauper forthwith, and pay the expense incurred in taking care of him or her.

Provisions of Revised Statutes, how to apply.

§ 5. That the provisions of sections fourteen, fifteen and sixteen, of chapter eighty, of the Revised Statutes, entitled 'Paupers,' shall apply to and operate, as between the several townships of said county, in the same manner as they do between the several counties of this state. And if any person shall become chargeable in any township of said county who did not reside in said county at the commencement of the thirty days as aforesaid, then the overseer of the poor having such pauper in charge shall give notice thereof to the county clerk of said county, whose duty it shall be to give notice thereof to the authorities of the proper county, as in other cases. And the expenses of taking care of such pauper, when received from such foreign county, shall be paid into the treasury of the proper township.

APPROVED Feb. 17, 1851.

In force April 18, 1851.

AN ACT to amend the general road law, and for other purposes.

Part of act repealed.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That so much of the law now in force in relation to public roads as provides that supervisors shall not work with less than ten hands at one time, be and the same is hereby repealed, and hereafter supervisors may work with any number of hands which they may deem advisable.

Compensation of road supervisors

§ 2. That hereafter supervisors shall be allowed the sum of one dollar per day, for each and every day in which they are necessarily employed in the discharge of their duties, over and above the time consumed in working out their own tax.

Sec'y of state to cause a reprint of road laws.

§ 3. The secretary of state is hereby required to cause a reprint, in pamphlet form, of all the general laws in relation to public roads, and the duties of supervisors, now in force, to be distributed at the same time and in the same manner as is provided for the distributing the laws and journals of the present session. That the number of such

pamphlets shall be three thousand, to be distributed to the counties in proportion to population: *Provided*, that such reprint shall not include any law the object and effect of which is merely to establish state roads. Proviso.

APPROVED Feb. 17, 1851.

AN ACT to authorize the election of one additional justice of the peace and constable in the county of Adams. In force February 17, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That one justice of the peace and one constable, in addition to the number now authorized by law, shall be elected in the county of Adams, by the legal voters of the town of Payson, in said county; which justice of the peace and constable shall reside in the said town of Payson. Town of Payson to elect additional justice and constable

The county court of the county of Adams are hereby required to cause an election to be held on the first Monday in April next, and at each regular election for justices of the peace and constables thereafter, for such additional justice of the peace and constable, who, when elected, shall be commissioned and sworn into office as other justices of the peace and constables are, and shall hold their offices until their successors are elected and qualified, as in other cases; and the justice of the peace and constable so elected shall have the same jurisdiction and rights, and be governed in all respects by the same regulations as other justices of the peace and constables in this state. Time of elect'n. Jurisdiction.

§ 5. This bill shall take effect from and after its passage.

APPROVED Feb. 17, 1851.

AN ACT to authorize certain school directors to sell or exchange certain town lots therein named, and to purchase or receive on exchange therefor other town lots. In force February 17, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the school directors of school district number four (4,) in township number thirty-six (36) north, of range ten (10) east, in Lockport, Will county, Illinois, or their successors in office, be and they are hereby authorized and empowered to sell or exchange any or all of the lots selected by the commissioners of the Illinois and Michigan canal, Sale of school lots in Lockport authorized.

from the town plat of the village of Lockport, in said county, for the use and benefit of common schools in said town of Lockport, under an act entitled "An act to provide for the dedication of lots in towns situated on canal lands to public purposes," approved Feb. 28, 1839, and to make, execute, acknowledge and deliver to the purchaser thereof a deed or deeds, conveying unto him, her or them the said lot or lots, and to their heirs and assigns forever.

Application
proceeds.

§ 2. The money received by said securities for the time of being, for said lot or lots, shall be by them held in trust for the use and benefit of said school district number four (4,) and shall be by them faithfully appropriated to the following purposes, and not otherwise, to wit: *First*, so much thereof as may be necessary to purchase a suitable lot or lots, for the purpose of erecting thereon a school-house for said district; *Secondly*, if any surplus remains, to appropriate the same towards building a school-house for said district.

Directors to give
bond.

§ 3. The said school directors, or their successors in office, shall, before making sale of any of said lots, enter into bonds to trustees of schools for said town thirty-six, in such sum as said trustees shall direct, for the use of the inhabitants of said school district number four (4,) conditioned for the faithful application of the funds arising from said sales, with securities, to be approved by said trustees; and before any directors shall be entitled to receive of their predecessors any moneys raised as aforesaid, they shall enter into like bond.

To whom conveyance made
in case of purchase.

§ 4. In case of the purchase of any lot or lots as aforesaid, or of receiving any lot or lots in exchange as aforesaid, the said lot or lots shall be conveyed to the trustees of schools for said town thirty-six (36) north, of range ten east, and to their successors in office, for the use and benefit of the inhabitants of said school district number four.

§ 5. This act to be in force from and after its passage.
APPROVED Feb. 17, 1851.

In force February 17, 1851. AN ACT to authorize the sale of the parks and squares in the town of Barry, in Pike county, Illinois.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That Benjamin D. Brown, Montgomery Blair and C. W. McGregor, be and they are hereby appointed commissioners to subdivide, sell and convey all of the parks and squares in the town of Barry, Pike county, Illinois, which were dedicated to said town by the proprietors thereof.*

§ 2. Said commissioners, before proceeding to sell said Their duty.
parks and squares, shall give at least three weeks' notice of
the time, place and terms of said sale, by publishing the same
in all of the newspapers printed and published in the said
county of Pike, describing the property to be sold with rea-
sonable certainty.

§ 3. Said commissioners may, in their discretion, sell Sales, how
said parks and squares for ready money or upon credit, as made.
they may judge most conducive to the interests of said town:
Provided, that if credit is extended to the bidders the pur-
chaser shall secure the payment of the said purchase money
by bond and mortgage on said property.

§ 3. The proceeds of such sales, when collected, shall Proceeds of sale,
be applied in the erection of a building in the town of Barry, how applied.
to be forever after used as a common school by the inhabit-
ants of said town, and for no other purpose of a permanent
nature.

§ 5. The said commissioners, before proceeding to sell Commissioners
said parks and squares, shall give a bond, with good security, required to
payable to the school commissioner of the said county of give bond.
Pike, in double the value of said parks and squares, condi-
tioned to account for and pay over the proceeds of such sales
to such building committee as may hereafter be appointed
by the legal voters of the said town, to superintend the erec-
tion of said common school building.

§ 6. The legal voters of said town are authorized to as-semble in town meeting, and adopt such plan and make such
other arrangements for the purpose of carrying out the ob-
jects of this act, as they may deem proper: *Provided*, their
acts shall not conflict with the provisions and purposes of
this act. Said town meeting may appoint a building com-
mittee, and take security for the faithful application of the
fund directed to be raised by this act.

§ 7. This act to take effect and be in force from and
after its passage.

APPROVED Feb. 17, 1851.

AN ACT to alter the boundaries of the town of West Point, in the county of Ste- In force April
phenson. 1, 1851.

SECTION 1. *Be it enacted by the people of the State of
Illinois, represented in the General Assembly*, That the
west half of township twenty-eight north, of range num- Addition.
ber six east of the fourth principal meridian, be and the
same is hereby added to and made a part of the town of
West Point, in the county of Stephenson.

Justices of the
peace.

§ 2. That any justices of the peace elected for the town of Waddam, and who reside in that part of said town of Waddam added to the town of West Point by the foregoing section, shall be the justice for said town of West Point, and shall have and exercise jurisdiction therein in all respects as if they had been elected for said town of West Point; and no election for justices of the peace in said town shall be ordered until the next general election, except to fill vacancies.

§ 3. This act to take effect and be in force from and after the first day of April, A. D. one thousand eight hundred and fifty-one.

APPROVED February 17, 1851.

In force Febru-
ary 17, 1851.

AN ACT to amend the laws in relation to the settlement of estates.

Addition'l pow-
ers conferred
upon probate
court.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That in addition to the powers conferred upon courts of probate by the act entitled "An act to facilitate the collection of debts by executors and administrators in desperate cases," approved on the first day of March, one thousand eight hundred and forty-five, courts having probate jurisdiction are hereby vested with power to order claims, debts and demands due at so remote a period as to prevent their collection within the time required for the final settlement of estates, and the collection or disposition of which is necessary to the payment of the debts against the estate, to be compounded or sold, in the same manner and upon the same conditions as though such claims, debts or demands were desperate or doubtful: Provided, that no claim, debt or demand shall be sold or compounded for less than ten per cent. below the par value thereof.*

Sale or com-
pounding of
claims which
cannot speedi-
ly be collected.

This act shall take effect from and after its passage.

APPROVED Feb. 17, 1851.

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In force Febru-
ary 17, 1851.

AN ACT to authorize the sale of the public square in the town of Versailles.

Commissioners.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That A. D. Ravenscraft, John Sides and S. H. Gaston be and they*

are hereby appointed commissioners to sell the ground in the town of Versailles, in the county of Brown, known and described upon the plat of said town as the public square; and the said commissioners are hereby empowered to convey the same to the purchaser or purchasers in fee simple absolute: *Provided*, said sale shall be made in said town of Versailles at public auction, to the highest bidder; the said commissioners first giving thirty days' public notice of the time and place of such sale. Object of their appointment.
Proviso.

§ 2. The said commissioners, before entering upon the duties of their office, shall severally give bond, payable to the people of the state of Illinois, for the use of the county of Brown, in such sum and with such securities as the judge of the county court of said county may approve; which bond shall be conditioned that the proceeds of said sale shall be faithfully applied to the erection of a public school-house on said land. Bond required.
Condition.

§ 3. The said commissioners shall report to the judge of said county the manner in which they have executed the trust here created, and if said report be approved the bonds herein required shall be discharged and cancelled. Any act done by a majority of said commissioners shall be valid and binding. Report to county judge.

This act to take effect from and after its passage.

APPROVED Feb. 17, 1851.

AN ACT making appropriations for the pay of the officers and members of the general assembly, and for the salaries of the officers of the government, until the adjournment of the next regular session of the general assembly. In force Feb 17, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the following appropriations be and the same are hereby made to the members and officers of the general assembly, and for the salaries of the officers of the government, until the adjournment of the next regular session thereof: Appropriation.

1. To the speaker of the senate and of the house of representatives, each, the sum of three dollars per day, for the first forty-two days' attendance, and two dollars per day for each days' attendance thereafter. Speaker of the Senate and H. of Reps.

2. To each member of the senate and house of representatives, the sum of two dollars per day, for the first forty-two days' attendance, and one dollar per day for each days' attendance thereafter. Senators and representatives.

3. There shall be allowed to each of the members of the general assembly, including the speakers of both houses, Mileage.

ten cents per mile for each necessary mile's travel, in going to and returning from the seat of government.

4. There shall be allowed to the secretary and assistant secretary of the senate, and to the clerk and assistant clerk of the house of representatives, each, the sum of five dollars per day.

5. To the sergeant-at-arms of the senate, and to the door-keeper and assistant door-keeper, the sum of four dollars per day.

6. To the engrossing and enrolling clerks of the senate and of the house of representatives, each, the sum of three dollars per day.

7. To the assistant engrossing and enrolling clerks of the senate and house of representatives, each, the sum of three dollars per day, for the time actually employed, to be certified by the principal.

8. And the compensation hereby allowed to each of the officers and members of the general assembly shall be certified by the speakers of the respective houses, and entered on the journals, and published at the close of the session: *Provided*, that the compensation of the speaker of the senate shall be certified by the secretary thereof, and the compensation of the speaker of the house shall be certified by the clerks thereof, and entered on the journals, and published as aforesaid; which said certificates, when made and signed as aforesaid, shall be sufficient evidence to the auditor of each person's claim respectively, who shall issue his warrant on the treasury for the amount to which each person shall be entitled as aforesaid, to be paid out of any moneys in the treasury not otherwise appropriated.

9. To the clergymen of Springfield who have officiated as chaplains to the general assembly, the sum of one hundred and twenty-six dollars; to be divided among them, as they shall agree among themselves.

§ 2. The following sums are hereby appropriated for the salaries of the officers hereinafter mentioned, until the adjournment of the next regular session of the legislature as aforesaid.

1. To the governor, at the rate of fifteen hundred dollars per annum.

2. To the auditor of public accounts, at the rate of one thousand dollars per annum, exclusive of clerk hire; and to the said auditor at the rate of two thousand dollars per annum for clerk hire; and he is hereby required to keep three clerks constantly employed in his office, until the adjournment of the next regular session as aforesaid.

3. To the state treasurer, at the rate of eight hundred dollars per annum, exclusive of clerk hire; and to the said treasurer at the rate of six hundred dollars per annum for clerk hire.

4. To the secretary of state, at the rate eight hundred dollars per annum, exclusive of clerk hire; and to the said secretary of state at the rate of six hundred dollars per annum for clerk hire. Secretary of state.

5. To each of the judges of the supreme court of this state, at the rate of twelve hundred dollars per annum. Judges supreme court.

6. To each of the judges of the circuit courts of this state, at the rate of one thousand dollars per annum. Circuit judges.

7. To each of the state's attorneys in the several judicial circuits of this state, at the rate of two hundred and fifty dollars per annum. State attorneys.

8. To each of the inspectors of the penitentiary, at the rate of one dollar and fifty cents per day: *Provided*, the same shall not exceed to each more than the sum of one hundred dollars per annum. Inspectors of penitentiary. Proviso.

9. To Michael McNamara, the porter to the state offices, at the rate of one dollar and twenty-five cents per day. Michael McNamara.

10. To the secretary employed in the fund commissioner's office, at the rate of four hundred dollars per annum, to be employed no longer than is necessary in the opinion of the governor; and it shall be the duty of the auditor of public accounts to issue his warrant on the treasurer for quarterly payments to the foregoing named officers. Fund commissioners, secretary. Quarterly payment of salaries.

To the judge of the Cook county court, erected by an act approved twenty-first February, one thousand eight hundred and forty-five, at the rate of six hundred dollars per annum. Judge of Cook county court.

To the prosecuting attorney of the said Cook county court, at the rate of two hundred and fifty dollars per annum. Prosecuting attorney.

APPROVED February 17, 1851.

AN ACT to effect the collection of the revenue of White county for the years 1846 and 1847, and for other purposes. In force Feb. 17, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That John B. Blackford, late sheriff and collector for the years eighteen hundred and forty-six and eighteen hundred and forty-seven, be and he is hereby authorized and empowered to proceed in the collection of delinquent taxes for the years eighteen hundred and forty-six and eighteen hundred and forty-seven, in the same manner he might have done under the assessment and laws regulating the collection of revenue for those years. Collector for '46 and '47 authorized to collect taxes of said years.

§ 2. The county court of White county, Illinois, at its June term, one thousand eight hundred and fifty-one, is County court to receive delinquent list '46.

hereby authorized to receive from the said John B. Blackford a delinquent list of the tax on personal property for the year eighteen hundred and forty-six.

Ten per cent.
remitted.

§ 3. The ten per cent. interest on the uncollected taxes for the years eighteen hundred and forty-six and eighteen hundred and forty-seven be remitted to the said John B. Blackford, and the time of settlement and collections by him as such collector be extended to the first day of April, one thousand eight hundred and fifty-two.

APPROVED Feb'y 17, 1851.

In force Feb. 17, 1851. AN ACT to repeal the charter of the Great Western Railway company, and for other purposes.

Preamble.

Whereas by the terms of a release executed by D. B. Holbrook, as president, and on behalf of the "Cairo City and Canal company," and bearing date at the city of New York, the twenty-fourth day of December, in the year of our Lord one thousand eight hundred and forty-nine, the said Cairo City and Canal company did release and surrender to the state of Illinois the charter of the Great Western Railroad company, and all acts or parts of acts supplemental or amendatory thereof, or relating to the Central Railroad, together with all the rights and privileges of any kind granted by said charter of acts, as fully and completely as if the same had never been passed by the legislature;" and whereas one of the conditions expressed in said release required of the legislature of the state of Illinois, at the next session thereof to be holden after the execution of said release, to accept or decline the release on the conditions therein stipulated; therefore,

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That the said release be accepted by the state of Illinois.*

§ 2. *Be it further enacted, That the act entitled "An act to incorporate the Great Western Railway company," approved March sixth, eighteen hundred and forty-three, and an act entitled "An act to amend an act entitled 'an act to incorporate the Great Western Railway company,' approved February tenth, one thousand eight hundred and forty-nine," and "An act to incorporate the Illinois Central Railroad company," approved sixteenth January, one thousand eight hundred and thirty-six, be and the same are hereby repealed.*

§ 3. *Be it further enacted, That the act of the congress of the United States granting lands to the state of*

Grant of lands
accepted.

Illinois, for the purpose of constructing a railroad from a point at or near the mouth of the Ohio to the southern terminus of the Illinois and Michigan Canal, with branches to Chicago and Galena, entitled "An act granting the right of way and making a grant of land to the states of Illinois, Mississippi and Alabama, in aid of the construction of a railroad from Chicago to Mobile," approved September twentieth, one thousand eight hundred and fifty, be and the same is hereby accepted; and all conditions expressed in said act are hereby agreed to and made obligatory upon the state of Illinois.

APPROVED February 17, 1851.

AN ACT to amend an act entitled "An act establishing county courts and providing In force, April
for the election of justices of the peace and constables, and for other purposes. 18, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That all and every person or persons, and any body corporate, who may hereafter consider himself, herself or themselves aggrieved by any decision or order of any of the county courts of this state, while sitting and exercising the powers and performing the duties heretofore conferred by law on the county commissioners' court of this state, shall be allowed to take an appeal from said decision or order to the circuit courts of their respective counties, by filing bond with the clerk of said court, to be approved by him within twenty days from and after the rendition of said decision or order; said bond to be made payable to the judge of the county court, or his successor in office, for the use of the people of the county in which said suit is pending; the condition of which shall be the same as bonds in appeals from justices of the peace.

Appeals from
county court
allowed.

§ 2. *Be it further enacted,* That it shall be the duty of the several clerks of the county courts of this state, within five days from and after the filing of the bonds as aforesaid, to make out a certified copy of the decision or order from which the appeal is taken, and transmit the same, together with all the papers in his possession appertaining or in anywise belonging to said cause, to the clerk of the circuit court, who shall file the same in his office, and docket the suit as in other cases of appeals.

Duty of clerks
of the county
courts.

§ 3. *Be it further enacted,* That the clerks of the several county courts of this state are hereby authorized and empowered to grant letters testamentary or of administration, and citations in vacation, subject to the approval or disapproval of the judges of the county courts in vacation.

Clerks of county
courts author-
ized to grant
letters testa-
mentary &c.,
in vacation.

proval of the court, at its next regular term, any thing in the law to which this is an amendment to the contrary notwithstanding.

APPROVED Feb. 17, 1851.

In force Feb. 17,
1851.

AN ACT to amend an act entitled weights and measures.

Standard
weight of cas-
tor beans.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the standard weight of castor beans shall and it is hereby declared to be forty-six pounds to the bushel.

§ 2. This act shall take effect from and after its passage.

APPROVED Feb'y 17, 1851.

In force Feb. 17, 1851. AN ACT to amend an act entitled "An act to require the people of Alton to pay a part of the election and court expenses of the county of Madison," approved February 27, 1847.

Construction of
amended act.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the act to which this is an amendment be so construed as to require the common council of the city of Alton, and the county court of Madison county, at the June term of said county court of each and every year, to ascertain and settle upon the amount to be paid by said city for and on account of the expenses in said recited act mentioned for the then current year.

City council to pay county for assessment of city property. § 2. The city council of the city of Alton, each year hereafter, shall pay the county of Madison the amount which said county rightfully pay to the county assessor, or his deputy, for assessing property within the limits of said city.

§ 3. This act to take effect from and after its passage.

APPROVED February 17, 1851.

In force Feb. 17, 1851. AN ACT to authorize each town in the county of Taxewell to support its own paupers.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the

overseer of the poor in each town in the county of Tazewell is hereby authorized and required to provide for the support of the paupers belonging to said town, and the expense thereof shall be paid to the supervisor of said town out of any moneys collected for that purpose.

Each town required to support its own paupers.

§ 2. That the board of supervisors of said county are hereby authorized to make such arrangements for the support of the paupers who are now under their charge as they may deem expedient, at the expense of said county.

Authority of board of supervisors.

§ 3. The relatives of such paupers, for refusing to support them, shall forfeit and pay to the board of supervisors of said county of Tazewell, for the use of the town to which such paupers belong, the same sum, in the same order, as is now or shall hereafter be required by law; said penalty to be recovered in the name of the board of supervisors of said county of Tazewell, for the use of the town to which such paupers shall belong.

Penalty on relatives of paupers, for refusing to provide for their support.

This act to take effect from and after its passage.

APPROVED Feb. 17, 1851.

AN ACT to amend an act entitled "An act amendatory of the practice act," approved February 16, 1849. In force Feb. 17, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That in all actions which may have been or may be commenced to perfect a distress for rent, before any justice of the peace in this state, when the defendant or defendants shall have left the state or cannot be found, and upon the filing by the landlord, his agent or attorney, of an affidavit setting forth that such defendant or defendants have left the state, or cannot be found, it shall be the duty of the justice of the peace to proceed in the cause, in the same manner as is required by section seven or eight of chapter eight of the Revised Laws.

Proceedings in case of distress, for rent, where defendant has left the state.

This act to take effect from and after its passage.

APPROVED February 17, 1851.

AN ACT to drain the wet lands about Chicago.

In force Feb. 17, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Henry Smith, George W. Snow, James H. Reese, George Steel

Commissioners.

and John Gray, Alson S. Sherman, Hart L. Stewart and Isaac Cook be and they are hereby appointed commissioners to lay out and superintend the construction of ditches, embankments or roads necessary for the drainage of wet lands situate, lying and being in townships No. 38, 39 and 40 in ranges No. 12, 13 and 14 east of the third principal meridian, in the county of Cook.

Their power.

§ 2. The said commissioners are hereby vested with full power and discretion to determine the number, dimensions and direction of said ditches, roads and embankments; so far as it is practicable, they shall follow sectional, quarter sectional and eighth sectional lines, but where the natural descent of the land requires a different direction, they shall be at liberty to depart from the sectional lines, and follow the course indicated by the natural depression of the land, or such other course as shall best serve the purposes intended.

Expenses.

§ 3. The expenses of constructing said ditches, embankments or roads, together with all costs incurred on account thereof, shall be assessed upon the lands benefitted thereby, and the said commissioners are hereby empowered to assess the lands which they shall deem benefitted by the construction of said ditches, embankments or roads, in proportion to the benefit accruing to them, as nearly as may be. The commissioners shall describe, on an assessment roll to be made by them, the lands on which they have made assessments, and the amount of said assessments; which assessment roll they shall deliver over for collection to the county treasurer of Cook county, who is hereby authorized and directed to collect the same. And the said assessment roll, or a copy of it, duly certified under the hands of the commissioners, shall be a sufficient warrant to the treasurer to authorize him to collect the said assessments.

Lien upon lands.

Proceedings to enforce such lien.

§ 4. The said assessments shall be a lien upon the lands upon which they are made until paid; and in case of refusal or neglect on the part of the owner or occupant of said lands to pay them, it shall be the duty of the treasurer to publish an advertisement in some newspaper published in the county, of his intention to apply to the circuit court of Cook county, by petition, for judgment against the said lands, particularly describing them. And the circuit court of Cook county is hereby vested with jurisdiction to take cognizance of said petition, and if upon examination it shall appear that the said lands are chargeable with said assessments, and that said assessments are not illegal, the said court shall proceed to render judgment against each piece or parcel of land mentioned in the petition, for the amount of the assessment made upon it, together with costs, and shall direct a special execution to issue upon said judgment against the same, directed to the treasurer of Cook county. Objections to the assessments may be made at any

time before final judgment; and if upon the hearing of said objections the judge shall regard any portion of said assessments as being unjust or illegal, he shall proceed to correct them, or, at his option, refer the matter back to five special commissioners, to be appointed by him, to correct the errors of the first assessment.

§ 5. The advertisement mentioned in the preceding Advertisement. section shall be made in the newspaper supposed to have the largest circulation in the county, and shall be published at least once in each week for four weeks previous to the next term of the circuit court of Cook county.

§ 6. The compensation of the treasurer for the services Compensation of treasurer. required of him in this proceeding, shall be the same as that to which he is now entitled for the collection of state and county taxes.

§ 7. Lands sold under the provisions of this act may be Redemption of lands sold. redeemed from such sale, within the same time, and upon the same terms, that are now prescribed in the case of lands sold for state and county taxes, but if no legal redemption is made from such sale, the treasurer of Cook county shall make a deed of said lands to the purchaser or purchasers thereof, his or their heirs or assigns, upon the return of the certificate or certificates of purchase.

§ 8. Persons owning lands on either side of said ditches, or roads, or embankments, and contiguous thereto, shall be permitted by the commissioners to pay their assessments in labor, under the supervision and in accordance with the plans and directions of the commissioners; provided they will perform such work as cheaply as others can be employed to do the same. Certain assessments may be paid in labor.

§ 9. Whenever any of the above named commissioners shall die or resign his office, or remove from the county, the judge of the circuit court of Cook county shall appoint a competent person to fill the vacancy thereby created. Vacancy in board of commissioners, how filled.

§ 10. The commissioners shall receive for their services a compensation of one dollar and fifty cents (\$1 50) per day, for every day in which they may be employed upon said work, and they may employ a surveyor to assist them in the location of any ditch, embankment or road, at a rate of compensation not to exceed three dollars (\$3 00) per day, together with the necessary assistants and laborers; all of which charges shall be deemed part of the necessary expenses of said work. Compensation.

§ 11. The said commissioners shall have power and Bridges. authority to erect and construct suitable bridges over said ditches or embankments, at the crossings of highways, and at such other points as shall seem to them expedient or necessary, the expenses of which shall be assessed as a part of the cost of the aforesaid improvements, and shall be collected in the same manner above stated.

In force Feb. 17, 1851. AN ACT to provide for the ordinary and contingent expenses of the government, until the adjournment of the next regular session of the general assembly, and for sundry accounts for materials and necessaries furnished for the use of the state.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That the*

Appropriations. following sums be and they are hereby appropriated to meet the ordinary and contingent expenses of the government until the adjournment of the next regular session of the general assembly of the state of Illinois :

Conting't fund. 1. The sum of eight thousand dollars, as a contingent fund, to meet the contingent expenses of the state government; and the said fund shall be subject to the order of the governor, for the purpose of defraying all such expenses as are unforeseen by the general assembly, or are unprovided for by law; and a proper statement of which shall be laid before the next general assembly by the auditor, in his biennial report.

Incidental expenses. 2. The sum of fifteen thousand two hundred dollars, as a fund to meet the incidental expenses of the state government, which shall be appropriated as follows, to wit: to the auditor's office, for furniture and repairs of office, five hundred dollars; for abstracts of lands, plats of old surveys, and incidental expenses in correcting land lists, two thousand dollars; for printing blanks, circulars, patents, &c., one thousand dollars; for postage on public letters and documents, one thousand dollars; for stationery, books, candles, &c., one thousand dollars.

Auditor's office for furniture and repairs.
Abstracts of land and plats.
Printing, blk's, &c.
Postage.
Stationery, &c.
Office secretary of state for furniture and repairs.
Postage.
Printing, blk's &c.
Stationery, &c.
State library.
Fuel, stationery, for use of legislature, printing paper, &c.
3. To meet the expenses of the office of the secretary of state: for furniture and repairs of the office, three hundred dollars; for postage on public letters and documents, six hundred dollars; for printing blanks, circulars, &c., seven hundred dollars; for stationery, candles, &c., six hundred dollars; for repairs, furniture, binding books, subscription for periodicals, &c., for state library, five hundred dollars; for repairs, furniture, fuel for the use of the legislature and state offices, stationery, printing paper and other expenses necessary in the discharge of his duty as secretary of state, and under the laws now in force, six thousand dollars.

Office of treasurer for furniture, postage, &c.
4. To meet the expenses of the office of the treasurer: for books, furniture, postage, candles, &c., three hundred dollars.

Executive department, for postage, furniture, &c.
5. To the executive department: for postage, candles, blank books, furniture, &c., seven hundred dollars.

Private secretary.
6. The sum of three dollars per day, for the time actually employed, for the hire of a clerk in the executive department, the amount to be certified by the governor, and his certificate shall be sufficient evidence to the auditor, who shall issue his warrant to the treasurer for the same, and the said treasurer shall pay the same out of any moneys not otherwise appropriated.

7. The sum of three hundred dollars for repairs of the governor's house. Repairs of gov-
ernor's house.

8. That the following sums be and the same hereby are appropriated to meet the following accounts incurred for articles required for the use of the present general assembly, viz: the sum of thirty dollars and seventy-five cents, to G. A. Mason, for furnishing and repairing chairs; the sum of forty-one dollars and thirty cents, to Johnson & Bradford, for articles stationery; the sum of one hundred and eighty dollars and seventy-five cents, to E. B. Pease & Brother, for articles of stationery, &c.; the sum of four hundred and seventy dollars and sixty-one cents, to Hurst & Taylor, for sperm candles and sundries; the sum of two dollars and seventy-five cents, to Hawley & Loose, for locks; the sum of thirty-nine dollars, to James L. Lamb, for carpet; the sum of eleven dollars and fifteen cents, to S. M. Tinsley, for sundries; the sum of twelve dollars and fifty-six cents, to Hickox Brothers, for shovels and tongs, &c.; the sum of five dollars and twenty-five cents, to J. Bunn, for brooms; the sum of forty-nine dollars and fifty cents, to B. C. Webster & Co., for carpet and spittoons; the sum of nine dollars and fifty cents, to Lowry, Lamb & Co., for stove and pipe for committee rooms; the sum of forty-six dollars and twenty-one cents, to J. S. Rogers, for stove pipe, fenders, iron buckets, &c.; the sum of three dollars and fifty cents, to D. E. Ruckel, for table for senate chamber; the sum of seventeen dollars, to Vanhuff & Lewis, for furnishing materials and arranging drapery for windows behind speakers' chairs; the sum of one dollar per day, each, to Patrick Tamplin, Thomas Conner and David Dron, the three extra hands employed for carrying wood &c., for the use of the senate and house of representatives; to J. C. Sutton, one hundred dollars, for work done on the state house, to be certified to the auditor by the secretary of state; to Napoleon Koscialowski, for one hundred and twenty-one maps of the state of Illinois, as per resolution of the house, one hundred and thirty-six dollars and thirteen cents; for amount paid by auditor for making maps, estimating quantity of vacant lands, &c., for the use of the senate, sixty-six dollars and fifty cents; the sum of forty-seven dollars and seventy-eight cents, to Enoch Moore, for posting the journal of executive acts, kept in the office of secretary of state, from February, one thousand eight hundred and forty-eight, to May, one thousand eight hundred and fifty; the sum of two hundred dollars to the secretary of state, for making index to the laws, journals and reports of the present general assembly; the sum of one hundred dollars, to the publishers of the State Register, the same sum to the publishers of the Journal, and the same to the publishers of the Organ, for publishing the laws of a general

G. A. Mason,
\$30 75.
Johnson and
Bradford,
\$41 30.
E. B. Pease &
Bro. \$180 75.
Hurst & Taylor
\$470 61.
Hawley and
Loose, \$2 75
J. L. Lamb, \$39.
S. M. Tinsley,
\$11 15.
Hickox Brothers,
\$12 56.
J. Bunn, \$5 22
B. C. Webster
& Co., \$49 50.
Lowry, Lamb
& Co., \$9 50.
J. S. Rogers
\$46 21.
D. E. Ruckel,
\$3 50.
Vanhuff and
Lewis, \$17 00.
Patrick Tamplin,
Thomas Conner
and David Dron,
\$1 00 per day.
J. C. Sutton,
\$1 00.
Napoleon Koscialowski,
\$136 13.
Auditor, for
maps &c.
Enoch Moore,
\$47 78.
Secretary of
state, for making
indexes
to laws &c.
Publishers of
Register, Journal
and Organ.

nature passed at the present session of the general assembly, to be paid when the services have been rendered. And the auditor is hereby authorized to draw his warrant or warrants on the treasury for the above mentioned sums, and the treasurer is hereby required to pay the same, out of any moneys in the treasury not otherwise appropriated.

Appropriation
for completion
state house.

9. The sum of eleven thousand dollars, in addition to the appropriations already made, is hereby appropriated, to be expended under the direction of the governor, secretary of state and treasurer, in pursuance of the provisions of an act entitled "An act making appropriations for the completion of the state house," approved Feb. sixteenth, one thousand eight hundred and forty-seven. Said commissioners shall first cause the area around the house to be made, and the remainder of the appropriations to be expended in completing the work in the interior of the house: *Provided*, that any old materials not necessary in the completion of the house may be sold by the commissioners, and the proceeds paid into the treasury, and the amount of said proceeds are hereby appropriated in addition to the amount above stated.

Area around
state house first
to be made.

Provido.

Laws continued
in force.

§ 2. The laws now in force providing for the pay of messengers to other states for the apprehension of fugitives from justice, rewards for escaped convicts, reports of the decisions of the supreme court, for work not completed or paid for, &c., shall remain in force, and the payments shall be made as required by said laws.

Certain ac-
counts to be
at tested by
oath.

§ 3. All accounts for work done in repairing the state house, or any of the public offices, when said work is done by the day, or otherwise than by special contract, shall be attested by the oath of the claimant, or other witness, before the officer ordering such work shall certify to the account. All accounts for stationery or other articles furnished for the use of the state, or for any of the public offices, except when the same is furnished on a written contract, shall be attested by the oath of the claimant or other witness; which oath may be administered by the auditor of public accounts, or any justice of the peace or judge.

Amounts to be
certified and
approved.

No warrant shall be issued by the auditor for work done or articles furnished for the use of the state, in pursuance of the foregoing appropriations, until the account is properly certified by the proper officer and approved by the governor.

Documents
printed for use
of state to be
first delivered
to secretary of
state.

§ 4. Messages, reports and documents required to be printed for the use of the general assembly, or either branch thereof, or for the use of any of the state departments, by any law, resolution or order, shall, in the first instance, be delivered to the secretary of state, to enable him to certify the amount payable to the printer, and shall then be dis-

posed of as required by the law, resolution or order directing such printing.

§ 5. That the auditor issue his warrant in favor of Napoleon Koscialowski, for the sum of twenty-five dollars, for his services in drawing plan and making estimates for a state armory by direction of the military committee.

Appropriation
of \$25 00 to
Napoleon Kos-
cialowski.

The sum of two hundred dollars is hereby appropriated to Daniel McIlroy, for performing the duties of state's attorney, for the two years past, in the seventh judicial circuit; and the auditor is hereby authorized to draw his warrant upon the treasurer for that sum.

Daniel McIl-
roy, appropri-
ation \$200 00.

APPROVED Feb. 17, 1851.

JOINT RESOLUTIONS.

A JOINT RESOLUTION concerning postage and stationery.

Resolved by the Senate, the House of Representatives concurring herein, That the joint resolution of the last session concerning postage and stationery be adopted by the present session. Joint resolutions of 1849, adopted.

A JOINT RESOLUTION for obtaining a grant of land to every landless head of family.

Resolved by the House of Representatives, the Senate concurring herein, That our senators in congress be instructed, and our representatives requested, to use their best endeavors to procure the passage of a law by congress, granting, free of charge, to every landless head of a family in the United States, who will settle on and cultivate the same for one year, one hundred and sixty acres of land from our public domain. Instruction.

Resolved, That the governor be requested to transmit a copy of the foregoing resolutions to each of our members of congress.

A JOINT RESOLUTION instructing our senators and requesting our representatives to procure a stage route from New Harmony, Indiana, to Chester, Illinois.

Instruction.

Resolved by the House of Representatives, the Senate concurring herein, That our senators in congress be instructed, and our representatives requested, to procure the establishment of a mail stage route from New Harmony, in the state of Indiana, to Chester, in the state of Illinois, by way of Phillipstown, Carmi, in White county; McLeansborough, in Hamilton county; Benton, in Franklin county, and Pinckneyville, in Perry county; and that the governor be requested to furnish each of our members in congress with a copy of this resolution.

JOINT RESOLUTION directing the auditor to withhold from sale certain state lands.

Lands withheld
from sale.

Resolved by the General Assembly, That the auditor be and he is hereby directed to withhold from sale, until otherwise directed, all the state lands situated on or near the line of the Central railroad, as heretofore located. Also, the lands situated on or near the line of a railroad proposed to be constructed from Alton to Terre Haute, as well as on or near the line of the Northern Cross railroad, east of Springfield.

JOINT RESOLUTION instructing our senators and requesting our representatives in congress to use their influence to obtain a grant of land in aid of the Alton and Mt. Carmel and of the Northern Cross railroads.

Instruction.

Southern Cross
railroad.

Resolved by the House of Representatives of the General Assembly of the State of Illinois, the Senate concurring herein, That our senators in the United States congress be and they are hereby instructed, and our representatives in said congress be and they are hereby requested, to exercise and use all due diligence in endeavoring to obtain the passage of a law by the congress of the United States, at the earliest day practicable, granting to the states of Illinois and Indiana the usual amount of alternate sections of public land on both sides of the Alton, Mt. Carmel and New Albany railroad, commonly called the Southern Cross railroad of Illinois and Indiana, running from the Mississippi river, near the mouth of the Missouri, to the falls of the Ohio river. And, also, on both sides of the Northern Cross

railroad, from Quincy, on the Mississippi river, to the eastern line of the state of Illinois, in the direction of Lafayette, to Indianapolis, in the state of Indiana. Said grants of public lands to be used by said states for the sole purposes of aiding in the construction of said railroads. Northern Cross railroad.

Resolved, That his excellency, the governor of this state, shall forward a copy of the foregoing resolutions to each of the senators and representatives from the state of Illinois to the congress of the United States. Copies to be forwarded.

RESOLUTION instructing our senators and requesting our representatives in congress to use their efforts to have the bounty land bill amended.

Resolved, That our senators in congress be instructed, and our representatives requested, to use their influence to procure the passage of a law by congress, so amending the present law granting land bounty to the commissioned, non-commissioned officers, musicians and privates, who served in any of the wars of the United States, since the year 1790, as to allow the widows of such soldiers, whether married or not, and the children of such soldiers, whether they shall have arrived at the age of maturity or not, to draw such bounty land jointly, upon all warrants not heretofore issued. Instruction.

JOINT RESOLUTION rescinding the resolutions of instruction of the Wilmot proviso.

Resolved by the Senate and House of Representatives of the General Assembly of Illinois, That the constitution of the United States was the result of compromise, and could not have been formed without concessions made by the different states represented in the convention of 1787, and under which this confederacy of sovereign states was brought together, and consummated as an union for certain general and limited purposes; and that the federal government, as a consequence of the constitution, is one of limited powers, derived exclusively from that instrument, and, in order to its preservation, all the grants of power therein contained should be strictly construed by all the departments and agents of the general government so constituted; and that all the concessions and compromises therein contained, should be faithfully observed and maintained by all sections of our common country; and that it is at all times danger- Constitution result of compromise.

ous and inexpedient to exercise doubtful constitutional powers, unless the necessities and exigencies of the nation should manifestly surmount questions of doubt and expediency.

Resolved, That the institution of slavery was one of the principal subjects of compromise embraced in the constitution, and this general assembly, without committing itself upon the question of the constitutional power of congress to legislate upon the subject of slavery in the territories of the United States, deem the exercise of such power unnecessary and inexpedient, because the exercise of the same is calculated to impair the happiness of the people, and to endanger the perpetuity of our glorious Union.

Resolved, That regarding the constitution of the United States as not conflicting with the divine law as revealed to us, we, as citizens of the American Union, know no higher law than the constitution of our country; and that as members of the general assembly of Illinois, when we take an oath to support the constitution of the United States, do not consider that we make any mental reservation touching the requirements of duty imposed by that instrument; therefore, be it

Resolved by the Senate and House of Representatives of the General Assembly of Illinois, That all laws passed by the congress of the United States, under and in pursuance of the constitution, should be supported, upheld and obeyed by all the citizens of this and every other state and territory in the Union.

Resolved, That the controversy upon the subject of slavery, between the slave-holding and non-slave-holding states of the Union, and the distractions, jealousies, and destruction of mutual confidence among the several states arising therefrom, should be deprecated by every good citizen and lover of his country, in the north, south, east and west, as having the inevitable tendency of loosening the bonds of the Union, and threatening to prostrate the noblest fabric of civil and religious liberty that the world ever saw.

Resolved, That the system of adjustment or compromise passed during the last session of congress, comprising the admission of California, the establishment of territorial governments for Utah and New Mexico, without the Wilmet proviso, so called, the settlement of the boundary line between Texas and New Mexico, the suppression of the slave trade in the District of Columbia, and the amendment of the act of 1793, for the recovery of fugitive slaves, is eminently calculated to remove the controversy, and to restore peace, quietude and confidence between the different sections of our beloved country, and meets with the hearty concurrence and approval of this general assembly.

Slavery, a principal object of compromise.

Duty of citizens.

Controversy on the subject of slavery to be deprecated.

Compromise approved.

Resolved, That our senators be instructed, and our representatives in the congress of the United States be requested, to use all their energies, and to employ their best abilities and influence in resistance to any and all attempts that may be made to disturb or to unsettle, either by repeal or modification, any of the measures embraced in that system of adjustment or compromise. Instructions.

Resolved, That any resolutions passed by any previous general assembly, in conflict with the foregoing, and especially those adopted during the first session of the last general assembly, known as the Wilmot Proviso resolutions of instructions, be and the same are hereby rescinded. Wilmot proviso instructions rescinded.

Resolved, That we approve of the manly and patriotic stand taken by the executive of the United States in evincing his determination to execute and enforce all laws constitutionally enacted, and that the people of the state of Illinois will cheerfully sustain him in so doing. Action of the president approved.

Resolved, That his excellency, the governor of this state, be requested to transmit a copy of the foregoing resolutions to each of our senators and representatives, with the request that a copy thereof be presented in each house of congress, and also a copy to the executive of each state of the Union, to be laid before their respective legislatures, that the position of Illinois, so far as can be defined by her general assembly, may be understood by the other states of the Union. Copies to be sent

A JOINT RESOLUTION in reference to the improvement of the Kaskaskia river.

Resolved by the House of Representatives, the Senate concurring herein, That our senators in congress be instructed, our representatives requested, to exert themselves to procure a donation of public lands from the general government, to be applied to the improvement of the navigation of the Kaskaskia river. Instruction.

JOINT RESOLUTION in reference to pre-emption rights on the line of the Central railroad and branches.

Resolved by the House of Representatives of the State of Illinois, the Senate concurring herein, That our senators in congress be instructed, and our representatives be requested, to use their exertions to procure the passage of a law granting pre-emption, for twelve months from and after Instruction.

the selection of the lands hereinafter mentioned, to the actual settlers upon the public lands within fifteen miles on either side of the Central railroad and branches.

Resolved, That the governor be respectfully requested to transmit a copy of this resolution to our senators and representatives in congress.

Copies to be
transmitted.

DEPARTMENT OF STATE,

Springfield, Illinois, April 22, 1851.

I, DAVID L. GREGG, Secretary of State of the said state of Illinois, do hereby certify that the foregoing (except the words printed in brackets, thus [], which are inserted for the purpose of correction and explanation,) are true and perfect copies of the enrolled laws of a general nature, and joint resolutions, on file in my office.

In testimony whereof, I have hereunto set my hand, on the day and year aforesaid.

DAVID L. GREGG,

Secretary of State.

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PRIVATE LAWS

OF

THE STATE OF ILLINOIS,

PASSED AT

THE FIRST SESSION

OF THE

SEVENTEENTH GENERAL ASSEMBLY,

BEGUN AND HELD AT THE CITY OF SPRINGFIELD,

JANUARY 6, 1851.

SPRINGFIELD:
LANPHIER & WALKER, PRINTERS.

1851.

PRIVATE LAWS.

AN ACT to establish a ferry across the Mississippi river at Warsaw, in Hancock In force Janu-
county. ry 17, 1861.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That William English, his heirs and assigns, be and they are hereby ^{Authority.} authorized to establish and keep a ferry, for ten years, across the Mississippi river, between the town of Warsaw, in the county of Hancock, and state of Illinois, and the town of Alexandria, in the county of Clark, and state of Missouri; during which term the county court of said county of Hancock, or the trustees of the town of Warsaw, shall not grant a license to any person or persons to establish or keep a ferry within one mile of the foot of Main street, in said town of Warsaw.

§ 2. That said William English shall keep at all times ^{Duty.} a good and sufficient steam ferry boat, with such other boats as may be necessary for the speedy and safe transportation of passengers, teams, horses, cattle and other animals, as well as goods and effects belonging to passengers, and shall furnish said boats with men with suitable strength and skill to manage them, and shall charge and receive such rates ^{Tolls.} of ferriage as may be allowed him by the trustees of the said town of Warsaw.

§ 3. The said William English shall pay into the treas- ^{Tax.} ury of the said town of Warsaw such annual tax as may be imposed upon said ferry by the trustees of the said town of Warsaw, not exceeding forty dollars, and in the management and regulation of the aforesaid ferry shall be governed by the act to establish ferries and toll-bridges, approved March the third, one thousand eight hundred and forty-five.

§ 4. That in case of failure by the said William Eng- ^{Remedy.} lish, his heirs or assigns, to pay such annual tax so assessed by the town of Warsaw aforesaid, the president and trustees thereof may sue for the same, in an action of debt, before any justice of the peace of said county of Hancock.

Extent of franchise. § 5. The said William English shall have the exclusive ferry privilege from the said town of Warsaw to the said town of Alexandria, for the term of ten years from the passage of this act, for one mile above and below the foot of Main street, in said town of Warsaw, at the point where the same strikes the Mississippi river; and should any other person or persons establish, keep or run a ferry, and land within said mile, such person or persons shall forfeit and pay to the said William English ten dollars for every such offence, to be sued for and recovered in an action of debt, before any justice of the peace of the said county of Hancock.

Penalty for violation.

§ 6. This act to take effect and be in force from and after its passage.

APPROVED Jan. 17, 1851.

In force January 18, 1851. AN ACT authorizing the Georgetown and Perryville Plank Road company to charge toll for crossing a bridge built by said company.

Tolls.

Rates.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the Georgetown and Perryville Plank Road company be and it is hereby authorized, for the term of two years, or until said road be completed, to charge toll for crossing a bridge built by said company over the Big Vermilion river, in the county of Vermilion, not to exceed the rates as follows, to wit: For every vehicle drawn by one animal, ten cents; for every vehicle drawn by two animals, fifteen cents; for every vehicle drawn by more than two animals, twenty cents; for every ten of neat cattle, ten cents; for every ten of sheep or swine, ten cents; or for every horse and rider or one horse led, five cents.

§ 2. That after the completion of said road the said company may charge toll, not to exceed the rates aforesaid, for crossing said bridge, when the persons so crossing may not wish to travel on said road.

§ 3. This act to take effect from and after its passage.
APPROVED Jan. 18, 1851.

In force Jan. 20, 1851. AN ACT for the relief of the heirs at law and securities of William E. Armstrong, late sheriff and collector of Grundy county.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That whenever the administrator of the estate of William E. Arm-

strong, late sheriff and collector of Grundy county, shall Condition.
 relinquish for said estate all claims against the state, for
 damages claimed to be sustained for non-fulfilment of con-
 tract on the Illinois and Michigan canal, and also dismiss
 the suit now pending against the state in the circuit court
 in La Salle county, for salvage [scalage] on section No.
 126 of said canal, by writing filed in the office of the au-
 ditor of public accounts, the heirs of the said William E.
 Armstrong, deceased, George W. Armstrong, Perry A.
 Armstrong, and other securities of the said William E.
 Armstrong, as collector, be and they are hereby released
 and discharged from any further obligation to pay the bal- Discharge.
 ance due the state by reason of the defalcation of the said
 William E. Armstrong.

§ 2. This act to be in force from and after its passage.
 APPROVED Jan. 20, 1851.

AN ACT to provide for leasing the lands granted as a common to the inhabitants of In force Jan. 23,
 the town of Kaskaskia, in Randolph county, or so much of said lands as it may be 1851.
 to the interest of the inhabitants of said town to lease for school and other pur-
 poses.

Whereas the inhabitants of Kaskaskia, in the county of Preamble.
 Randolph, are in common entitled to the use and benefit
 of certain lands, commonly known as the Kaskaskia com-
 mons, by virtue of an ancient grant, recognized and
 confirmed by the government of the United States; and
 whereas the right to lease said lands, or any part of them,
 is granted by the constitution of this state to a majority
 of the qualified voters therein, and they having petition-
 ed therefor, therefore,

SECTION 1. *Be it enacted by the people of the State of* Corporation.
Illinois, represented in the General Assembly, That Den-
 nis Kavanaugh, Savineen St. Vrain, Joseph Barnowsky,
 George W. Staley, and Edmond Menard, citizens of the
 town of Kaskaskia, in the county of Randolph, are hereby
 constituted a body corporate and politic, by the name and
 style of "The President and Trustees of the Commons of
 Kaskaskia," and by that name they and their successors
 shall have perpetual succession and existence, with power Powers.
 to contract and be contracted with, to sue and be sued, to
 plead and be impleaded, in all actions at law and in equity,
 in any court of competent jurisdiction; to make and use a
 common seal, and alter the same at pleasure; to adopt or-
 dinances and by-laws not inconsistent with the constitution
 and laws of this state nor of the United States, and to do
 and perform all other acts necessary for the proper exer-

cise of the powers herein conferred, and the regulation of the privileges hereby granted.

Term of office. § 2. The said president and trustees shall continue in office until the first Monday in April, A. D. 1853, and until their successors are elected and qualified; and on the first Monday in April, A. D. 1853, and every two years forever thereafter, or until the time is changed by law, an election shall be held for five trustees of the commons of Kaskaskia, who shall hold their office for two years and until their successors are elected and qualified; and the said trustees shall organize by electing one of their number president of the board, and shall appoint or elect a treasurer, as they may determine, who shall, in addition to his duties as treasurer, also perform the duties of clerk of said board, and at any meeting of said board for the transaction of business, not less than three shall be a quorum.

Commons divided. § 3. The president and trustees hereby appointed are authorized and empowered by this act to have the commons of Kaskaskia, or any part thereof, surveyed and divided into such lots as in their opinion will seem best and most advantageous, and shall cause a plat or plats of the same to be made, showing the number of acres in each lot and the location thereof, each lot to be also properly numbered; which plat or plats, when so made, shall be recorded in the recorder's office of Randolph county, a copy of which record, duly certified by the recorder of said county, shall be sufficient and competent evidence of the location of the lots described in said survey or surveys.

Leased. § 4. The said president and trustees shall then proceed to lease, at public outcry, at a suitable place in the town of Kaskaskia, any or all of the lots so surveyed, for any number of years, not exceeding fifty, as in their opinion will best promote the interest of the inhabitants of said town, after first giving notice for six consecutive weeks, in a newspaper printed in the county of Randolph, and such other papers as they may deem proper, and by putting up four written or printed notices in four of the most public places in said town, of the place where and time when said lots will be publicly offered for lease.

How offered. § 5. Each lot shall be offered separately, stating the number of years for which it is proposed to be leased, and the number of acres it contains, and the same shall be struck off to the best and most responsible bidder bidding the highest amount of money per acre therefor, payable annually, each and every year the same is leased for, at such time as may be designated and appointed by the said president and trustees, an entry of which shall be made by the clerk of the board in a suitable and substantially bound book to be provided for that purpose, which shall be subject to the inspection of any person interested. And the

said president and trustees of the commons of Kaskaskia shall, by their said president, under his hand and seal, make and execute to each lessee a deed of lease for the number ^{Deeds.} of years each lot or lots were bid off by such lessee; which deed of lease shall vest in the purchaser, his or her heirs and assigns, the full and complete possession and use of such lot or lots for the term of years that they were so leased, conditioned for the annual payment, at such time in each year as may be designated by the said president and trustees, of the amount bid by the lessee to the said president and trustees and their successors in office, or to such other person or persons as may be by them authorized to receive the same for the use and benefit of the inhabitants of Kaskaskia, to be applied to school and other purposes.

§ 6. The proceeds of the lands and lots of the said commons of Kaskaskia so leased as provided by this act, shall, after defraying the expenses attending the leasing of said lands and lots, be used and applied to the education of the children of the inhabitants of Kaskaskia, and such residents as are, by immemorial custom, commoners upon said commons, and the children of the lessees of said lots and lands so leased; to effect which object and carry out the intention of this act, the said president and trustees, or their successors in office, shall rent, or procure or cause to be erected or purchased, as in their opinion may be necessary, one or two suitable buildings for a school or schools; ^{Proceeds how applied.} and they are hereby authorized to purchase and hold, in their corporate capacity, one or more lots of ground in the town of Kaskaskia for that purpose, using therefor the proceeds arising from the leasing of said lands and lots; and they may further use said proceeds for the purchasing of suitable school books and stationery, and a library or libraries for such school or schools, and shall employ a teacher ^{School houses, do.} or teachers, qualified as required by the common school law of this state, for the instruction of the pupils in said school or schools in which reading, writing, arithmetic, grammar, geography, and other branches of education may be taught; which teacher or teachers may be by them paid according to such contracts and regulations as they may make and adopt, out of the proceeds arising from the leasing of said lands and lots. And the said president and trustees are hereby authorized and empowered to establish not more than two elementary schools in the town of Kaskaskia to carry out the provisions and requirements of this act. ^{Teachers.}

§ 7. The said president and trustees shall have power, and are hereby authorized, to appropriate a portion of the ^{Religion.} proceeds arising from the leasing of said commons to the purposes of religion, and for the support and advancement thereof: *Provided*, that no appropriations shall be made

under this section unless the same are asked for and desired by a majority of the voters of the said town of Kaskaskia, by a petition or petitions presented to the said president and trustees, indicating the religious purposes to which the same shall be applied, and the amount thereof thus applied.

Meetings. § 8. The said president and trustees may meet at such times as they may fix by ordinance, (and at such times as they may deem necessary) and shall provide a good and substantially bound book, in which shall be entered the proceedings of such meetings and all ordinances and by-laws by them adopted, by the clerk of said board, and they shall provide another like book for the keeping of the treasurer's accounts, in which shall be entered a just, full and fair account of all receipts and expenditures of money by them received and made by virtue of this act, and they shall, at their last meeting in each year, render an account to the inhabitants of said town of Kaskaskia, of all moneys by them received and expended under this act, stating the amount paid for tuition, books and stationery, library books and the amounts paid, if any, for buildings, lots and repairs of buildings, and necessary furniture for school rooms. Said account to be certified by the treasurer in his capacity of clerk of the board, who may be allowed a reasonable compensation for his services, out of the funds created by this act; and the books to be kept as provided for in this section shall be open to the inspection of any person interested.

Records.

To account.

Vacancies, how filled. § 9. If any vacancy shall occur in the said board, by death or otherwise, the remaining trustees shall have power and are hereby authorized, to fill such vacancy by appointment, the appointee to have the qualifications necessary to be eligible to such office as in this act prescribed, and to hold his office until the next regular election, and until his successor is elected and qualified.

Powers and duties. § 10. The said president and trustees, and their successors in office, shall have power to receive annually from the lessees of said lands and lots, the moneys due annually upon all deeds of lease by them made, and shall transmit the same, should there be any in their hands, to their successors in office, and nothing in this act contained shall prevent the said president and trustees from leasing at any time any of the said lands and lots, after having first offered the same for lease at public outcry.

Treasurer to give bond. § 11. The said president and trustees shall require their treasurer to give bond, in such sum as they may deem proper, payable to them and their successors in office, for the use of the inhabitants of Kaskaskia, with two or more good and sufficient securities, and conditioned for the faithful discharge of his duties under this act and such ordinances

and by-laws as may be by them adopted, and the payment to his successor in office of all moneys that may be in his hands as treasurer of said board.

§ 12. The said president and trustees may appoint one of their number, or any other inhabitant of Kaskaskia, as superintendent of said school or schools, who shall discharge such duties as they may require of him by ordinance or by-law, touching said lands and lots so leased or the school fund arising therefrom, and who shall, from time to time, report to them the number of children taught in said school or schools, and who may be allowed a reasonable compensation for his services, out of the funds created by this act. Superintendent of schools.

§ 13. No person shall be entitled to vote for trustees or be eligible to election unless he shall be a free white male citizen of this state, of the age of twenty-one years or upwards, and shall have resided one year next preceding such election within the limits of Kaskaskia, and no person shall be eligible to the office of trustee of said commons unless he shall, moreover, be, at the time of his election, a resident freholder of said town; and the president and trustees appointed by this act, and their successors in office, shall cause six written or printed notices to be posted up in six of the most public places in said town of Kaskaskia, at least four weeks preceding every election, announcing the time and place when and where the elections provided for by the second section of this act will be held; at which election two of said trustees will preside as judges, and said elections shall be held, as near as can be, in conformity to the election law approved February 12, A. D. 1849, so far as it relates to the manner of voting and depositing ballots, and counting and canvassing the votes: *Pro-* Qualifications of voters, &c.

vided, that said trustees so presiding as judges may open the polls at one o'clock P. M. and close them at six o'clock P. M.; and a certificate of said judges stating who were elected as such trustees, at any election so held, shall be *prima facie* evidence of their election in the courts of this state. Qualification for office.

§ 14. The said president and trustees are authorized to institute suits against any person or persons trespassing upon said commons, in any court of competent jurisdiction to try the same, and also to institute suits for use and occupation of said commons, against any person or persons now in possession of any part thereof, or who may hereafter take possession of any part thereof, without leasing the same; and in all such trials it shall be competent to prove the limits, boundaries and extent of said commons by parol testimony, and any inhabitant of said town of Kaskaskia, not otherwise incompetent, shall be qualified as a witness or juror under this act. Elections, how conducted.

Suits.

Proof.

Money loaned. § 15. If at any time the said president and trustees have any money on hand, or in keeping of their treasurer, not required by them for the purposes of education, or the defraying of such expenses as they are authorized to incur and defray by the provisions of this act, they may by ordinance authorize the same to be loaned out, upon good and sufficient security, for any number of years, not exceeding five, at the highest rate of interest which may be allowed by the laws of this state; the interest to be by them applied to the purposes of education and such other purposes as are herein authorized, and, together with the principal, be accounted for by them yearly, as provided in the eighth section of this act, and transmitted to their successors in office, as provided in the tenth section of this act.

Organization. § 16. The said president and trustees shall meet and organize their board within thirty days after the expiration of sixty days immediately following the adjournment of this general assembly; and this act shall be taken, considered and construed as a public act in all courts whatever.

APPROVED Jan'y 23, 1851.

In force Jan. 23, AN ACT to amend "An act to incorporate the Sangamon and Morgan Railroad company," approved March 1, 1845.

Release of forfeiture. SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the said Sangamon and Morgan Railroad company be and they are hereby forever released and discharged from all and every cause of forfeiture of their rights, privileges and franchises, by reason of their non-compliance of any and all conditions and duties imposed upon them by virtue of any former law of this state; and their said rights, privileges and franchises are hereby ratified and confirmed in all respects: *Provided, nevertheless,* that the foregoing release and confirmation is granted unto the said company upon this express condition: that the said Sangamon and Morgan Railroad company shall, within two years from and after the passage of this act, repair, or cause to be repaired, that part of the Northern Cross Railroad leading to the town of Meredosia, from the point where said road is intersected by a lateral road to the town of Naples, and shall keep the same in repair and use for the transportation of persons and property during the corporate existence of said company: *Provided, however,* that if the said Sangamon and Morgan Railroad company can make any satisfactory arrangement with the persons, company or corporation who

Proviso.

Further proviso.

now own that part of the said Northern Cross Railroad which leads from the said town of Meredosia to the Mississippi river, *via* Mount Sterling, in Brown county, for the intersection of said roads at any point on the Illinois river other than Meredosia, then and in that event it shall not be necessary for the said Sangamon and Morgan Railroad company to perform the conditions aforesaid, and the said release and confirmation shall become absolute when said arrangement is made and complied with, and the agreement herein provided for filed in the office of the secretary of state.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED Jan. 23, 1851.

AN ACT to amend the charter of McDonough college.

In force Jan. 27,
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the charter of McDonough college be so amended that the whole number of corporators shall never be less than twelve nor more than twenty-four: *Provided*, that if at any time, by death, removal, resignation or otherwise the number of corporators shall be reduced to a number less than twelve, any number of said members, not less than seven, shall have power, at any legal meeting, to fill so many of the vacancies so created as that the whole number shall not be less than twelve. The said board shall meet, from time to time, on their own adjournment, at such time and places as they, by their own ordinances, shall appoint; and any five members being present shall constitute a quorum. The body corporate shall, at their first meeting subsequent to this amendment, (*Provided* a majority be present, or at the first meeting when a majority is present,) increase the number of corporators to twelve or more, and shall divide the members into four classes as nearly equal as may be—the first class to go out of office the day preceding the annual commencement in the college by the foregoing act provided to be established, or until the college shall have regular commencements, on the day preceding the close of the college year; the second class, on the day preceding the second annual commencement; the third class, on the day preceding the third annual commencement, and the fourth class, on the day preceding the fourth annual commencement, and in the same manner forever afterwards, so that one-fourth of the whole number, or as near as may be, shall

Corporators not
to be less than
twelve.

Proviso.

Meetings of
board.

Proviso.

- Proviso.** go out of office annually: *Provided, however,* that the members of said board shall continue to hold their offices until their successors shall be appointed and qualified. Of
- Vacancies, how filled.** the vacancies hereafter occurring, in whatever manner, (except as provided above in this section) one-half shall be filled by the corporation and the other half of the presbytery of Schuyler, (in connection with the general assembly of the Presbyterian church in the United States of America) or by said presbytery in connection with such other presbytery or presbyteries, synod or synods, as may hereafter unite in support of said institution: *Provided, however,*
- Proviso.** that if the said presbytery and presbyteries, synod or synods, shall at any time decline or neglect to fill the vacancies which they are by this act authorized to fill, the corporation shall have power to fill the same until they shall be filled by the respective bodies whose right it is; and so much of section second of the original charter relating to filling vacancies in the board as conflicts with this section is hereby repealed.
- Power of body corporate.** § 2. The body corporate shall have power to remove the president or professors, or any of them, at any regular meeting of the board, by a vote of a majority of all present, after due notice shall have been given.

APPROVED January 23, 1851.

In force Jan. 21,
1851.

AN ACT to approve and extend the corporate powers of the city of Pekin.

Acts legalized.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That all the acts of the president and trustees of the town of Pekin, in the county of Tazewell, and the inhabitants thereof, in adopting and organizing the said town of Pekin into the city of Pekin, under the act of 1849 regulating towns and cities, and all the acts of the officers of said city of Pekin done and performed by virtue of said city authority, shall be and the same are hereby completely and fully legalized, ratified, confirmed and approved, the same as though the said city of Pekin had been duly incorporated by said act of 1849 regulating towns and cities, with all the powers and authority of the cities of Springfield and Quincy; and said city of Pekin shall, in all things, have and enjoy all the powers and authority conferred by law on said cities of Springfield and Quincy.

§ 2. *And be it further enacted,* That the said city of Pekin shall be and is hereby authorized and empowered to

widen and extend the streets in said city whenever and wherever the public good may require the same: *Provided*, that the property embraced or taken by said city, in widening and extending said streets, shall be first valued and paid for by said city, in accordance with the provisions of the charter of the city of Springfield, in cases of widening and extending streets.

Authority to
widen and ex-
tend streets.

This act to be in force from and after its passage.

APPROVED Jan. 24, 1851.

AN ACT to incorporate the Springfield Marine and Fire Insurance company. In force January 24, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That there shall be established in the city of Springfield an insurance company, to be called the "Springfield Marine and Fire Insurance Company."

Company estab-
lished.

§ 2. All such persons as shall hereafter be stockholders of said company shall be and they are hereby declared to be a body corporate and politic, by the name and style of the "Springfield Marine and Fire Insurance Company," and to continue thirty years from and after the passage of this act, and by that name and style shall be competent to contract and be contracted with, and be capable in law and equity to sue and be sued, to plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places in all matters whatsoever.

Name & style.

Powers.

§ 3. The said corporation may have and use a common seal, which they may alter, change or break at pleasure; and may also make and establish and put in execution such by-laws, ordinances and regulations as shall, in their opinion, be necessary for the good government of said corporation and the prudent and efficient management of its affairs. No by-laws, ordinances and regulations of the same shall be in anywise contrary to the constitution and laws of the United States or of this state.

Government of
company.

§ 4. The capital stock of said company shall be one hundred thousand dollars, to be divided into shares of fifty dollars each, to be paid in such instalments as the directors chosen under this act may from time to time direct, under such penalties as the president and directors may, in their discretion, appoint and order. The said capital stock may hereafter be increased to an amount not exceeding five hundred thousand dollars, in the discretion of a majority of the directors of said incorporation, to be subscribed for and taken under the direction and superintendence of the presi-

Capital stock
\$100,000.

May be in-
creased.

Stock assigna-
ble.

dent and directors aforesaid, or by any person or persons duly appointed by a majority of said directors, in the same manner as is provided for the subscription to the original capital stock. The stock of said incorporation shall be assignable and transferable, according to such rules as shall be adopted in that behalf by the by-laws and ordinances thereof.

Upon what in-
surance may
be made.

§ 5. The corporation hereby created shall have power and authority to make marine insurance upon vessels, goods and merchandise, freights, moneys, bottomry, respondentia, interest, and on all marine risks and inland navigation and transportation, and against all losses by fire of any building or houses whatsoever, and vessels on the stocks; and, also, to receive moneys on deposit, and to loan the same on bottomry and respondentia, or otherwise, at such rates of interest as may now or hereafter be done by the existing laws of this state; and they may also cause themselves to be re-insured against any maritime risk upon which they have made insurance, and upon the interest which they may have in any vessels, goods or merchandise or houses, in virtue of any such insurance, whether on bottomry, respondentia or otherwise, on such terms or conditions as may be agreed upon by the parties, and to fix the premiums and times of payment.

Policies,
signed.

§ 6. All policies of insurance by them made shall be how subscribed by the president, or in case of his death or absence, by the vice president, and countersigned by the secretary of said company; and all losses arising under any policies so subscribed and countersigned, may be adjusted and settled by the president and board of directors.

Risk to be taken until one-fourth stock subscribed.

Shall not deal in merchandise.

May vest capital in any bank.

May loan stock.

§ 7. The said corporation shall not take any risk nor subscribe any policy by virtue of this act until one-fourth part of the capital stock thereof shall have been actually paid in. The said company shall not, directly nor indirectly, deal or trade in buying or selling any goods, wares or merchandise whatsoever; but the president and directors may, at their option, vest the capital stock of said corporation in the stock of any incorporated bank, trust company or public funds of the United States, or any state in the Union. They shall have power also to loan to any citizen of this state any portion of the capital stock, not exceeding ten thousand dollars to one individual, on bottomry, bond, mortgage of real estate, or other satisfactory security, at their discretion, at such rate of interest or discount (according to bank usage of discount) as any individual is now or may hereafter be authorized to loan by contract.

May hold real estate.

§ 8. The said corporation may purchase and hold such real estate as may be deemed necessary for the transaction of its business, and an amount at any time not exceeding thirty thousand dollars, and to take and hold any real estate

or securities mortgaged or pledged of the said corporation, Other powers. to secure the payment of any debt due or to become due to it; and, also, to purchase on sales made by virtue of any judgment at law, or any decree of a court of equity or otherwise; to take and receive any real estate in payment or toward satisfaction of any debt previously contracted or due to the corporation, and to hold the same until they can conveniently and advantageously sell and convert the same into money or other personal property, and to sell and convey said real estate or any part thereof: *Provided*, Proviso. the said corporation shall be compelled to offer, in good faith, the said real estate once in every five years, at public auction, to the highest bidder.

§ 9. Robert Irwin, John Williams, Jacob Bunn, William B. Fonday and John C. Lamb are hereby appointed commissioners for superintending subscriptions to said capital stock, and the said commissioners, or a majority of them, shall open one or more subscription books for said stock on the first Monday of April, in the year of our Lord one thousand eight hundred and fifty-one, in the city of Springfield, and such other places as they may think proper, or any other time and place, by giving twenty days' notice of the time and place in the newspapers published in the city of Springfield; and the sum of two dollars on each share subscribed for shall be paid to said commissioners at the time of making such subscriptions. The books may be closed whenever the whole of said stock shall be subscribed. And whenever a board of directors shall be duly elected the said commissioners shall deliver over to said board of directors said books, and shall pay over to said board the whole amount of money by them respectively or jointly received, except so much as shall be retained for the expenses incurred by them in executing the duties imposed on them by this act. Commissioners to open books. Time and place of opening books.

§ 10. In case of the death, resignation or absence [of Quorum of board. any] of the commissioners named in this act of incorporation, it shall and may be lawful for any three of them to form a quorum, and proceed to business, whose duties shall be the same in the premises as those prescribed to the whole of said commissioners by this act or [of] incorporation named, and their acts as such shall be legal.

§ 11. The stock, property and concerns of said incorporation shall be managed and conducted by seven directors, who shall be chosen by the stockholders of said company, under the superintendence of the commissioners, or a majority of them, and who shall hold their offices for one year, unless others shall be chosen before the expiration of that time, and who shall, at the time of their election, be citizens of this state and holders respectively of not less than ten shares of the capital stock of said company. Incorporation, how managed.

Directors, when and how elected. § 12. The directors for every subsequent year shall be elected on the first Monday of May in each year, at such time of the day and at such place, within the city of Springfield, and under the direction of such persons as a majority of the directors for the time being shall appoint, by a resolution to be entered on their minutes.

Elections for directors, how conducted. § 13. All elections shall be by ballot, allowing one vote to each share of the capital stock, and the seven persons who shall have the greatest number of votes shall be directors; and if [at] any election two or more persons shall have an equal number of votes, so as to leave their election undecided, then the directors who have been duly elected shall proceed by ballot, and, by a plurality, determine which of said persons so having an equal number of votes shall be director or directors, so as to complete the whole number; and whenever any vacancy shall happen for the office of president, vice president or directors, from death or other cause, such vacancy shall be filled for the remainder of the year in which it shall happen, by the directors for the time being, or a majority of them. The said commissioners, as provided for by this act to superintend elections, shall certify, under their hands and seals, the persons elected, and deliver such certificates to the persons so elected, or to some one of them; and if, through any unavoidable accident, said directors shall not be chosen on the first Monday as aforesaid, it shall be lawful to choose them on any other day, in the manner herein provided.

Officers of company, how chosen. § 14. The directors, when chosen, shall meet as soon as may be after every election, and shall choose out of their number a president, who shall be sworn or affirmed faithfully to discharge the duties of the office, and shall preside for one year and until another person is chosen in his stead; and, also, a vice president, for the [same] time. They shall have power to appoint a secretary, and all subordinate officers of said corporation, fix their compensation, define their powers, and prescribe their duties, who shall give such bonds, and in such penal sums, with such conditions and with such securities, as the directors shall prescribe, and hold their several offices during the pleasure of a majority of said directors.

Quorum to transact business. § 15. The president or vice president and four of the directors shall be competent to the transaction of business, and all questions shall be decided by a majority of votes.

Amount of capital stock to be published annually. § 16. The president and directors of said company shall, previous to subscribing any policy, and once in each year, publish in two of the newspapers printed in this state the amount of their capital stock.

Dividends. § 17. It shall be the duty of the directors of said company, at such times as the by-laws thereof shall prescribe, to make dividends of so much of their interest and profits

arising from the capital stock of said company as to them shall appear advisable; and in case of any loss or losses whereby the capital stock of said company shall be lessened before all instalments are paid in, each proprietor's or stockholder's estate shall be held accountable for the instalments that remain unpaid on his or her share or shares at the time of such loss or losses taking place, and no subsequent dividend shall be made until the sum arising from the profits of the business or additional instalments on the capital stock shall be paid said company, equal to such diminution. And once in every three years, and oftener if required by a majority of the votes of the stockholders, the directors shall lay before the stockholders, at a general meeting, an exact and particular statement of the profits, if any there be after deducting losses and dividends.

Liability of stockholders.

General statement.

§ 18. This is hereby declared to be a public act, and shall take effect from and after its passage, and shall be liberally construed for any purpose herein contained.

This a public act.

§ 19. Nothing in this act contained shall confer on said corporation the privilege of issuing notes similar to bank notes, for the purpose of a circulating medium, but nothing herein shall be so construed as to prohibit buying and selling bills of exchange.

Company not to issue notes for circulation.

§ 20. That in case of any loss or losses taking place which shall be equal to the amount of the capital stock of said company, and the president and directors, after knowing of such loss or losses having taken place, shall subscribe to any policy of insurance, their estates jointly and severally shall be accountable for any and every loss which shall take place under policies so subscribed; and the estates of stockholders as aforesaid shall be liable for any losses equal to the amount of said capital stock subscribed and not actually paid in, in all cases of losses exceeding the means of said company, whether they consist of stock paid in or profits not divided.

Liability of members of board.

§ 21. This charter shall be void and of no effect unless the stock be subscribed and the company shall commence operations agreeably to the provisions thereof, within two years after the passage of this act.

Company to organize within two years.

APPROVED January 28, 1851.

In force Jan. 28,
1851.

AN ACT for the relief of Henry H. Snow.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the auditor of state be and he is hereby authorized to draw his warrant upon the state treasurer, in favor of the said Henry H. Snow, for the sum of thirty dollars.

APPROVED Jan. 28, 1851.

In force Jan. 28, AN ACT for the relief of the collector of Gallatin county for the years 1846 and 1847.

Preamble.

Whereas the assessor for the county of Gallatin assessed the money loaned of the Bank of Illinois at Shawneetown, for the years 1845, 1846 and 1847, which said assessments were charged to the collector of said county for the years 1846 and 1847; and whereas said collector is unable, by process of law or otherwise, to collect said assessments, as appears from the auditor's report.

Release.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the collector of Gallatin county for the years 1846 and 1847 be and he is hereby released from all liability on account of said assessments, to wit: for the year 1846, the sum of \$1489 36; and for the year 1847, the sum of \$1095 50.

Auditor to settle.

SEC. 2. *Be it further enacted,* That the auditor be and he is hereby authorized and required to settle with said collector, by allowing him a credit for each of said years, as set forth in his report on the subject, as set forth in the foregoing section.

This act to be in force from and after its passage.

APPROVED Jan. 28, 1851.

In force Jan. 28, AN ACT act to vacate a part of Washington street, and to increase the width of certain alleys in the town of Toulon, in Stark county, Illinois.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That all that part of Washington street which runs through and across the public square in the town of Toulon, be and the same is hereby vacated.

§ 2. *Be it further enacted,* That so much of the alleys as lies on the east and west sides of said public square, be and they are hereby increased to the width of sixty-six feet each.

Width of alleys increased.

§ 3. It shall be the duty of the county court of Stark county to cause the public square in the town of Toulon to be surveyed by the county surveyor of said county, and after increasing the width of the alleys as provided for in the second section of this act, to cause to be filed in the county court of said county a full, true and perfect plat of the said town of Toulon. Duty of county court.

§ 4. It shall be the duty of the secretary of state to forward a certified copy of this act to the clerk of the county court of Stark county, upon the passing of this act. Duty of secretary of state.

§ 5. This act shall take effect and be in force from and after its passage.

APPROVED Jan. 28, 1851.

AN ACT further to amend an act entitled "An act to incorporate the city of Quincy," approved February 3d, 1840. In force Jan. 28, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the city council of the city of Quincy shall have power to provide by ordinance for the organization and maintenance of a mayor's court for said city, and for the trial and punishment of all offenders against the ordinances of the said city made in conformity with the powers granted in the city charter of the said city of Quincy, and not inconsistent with the constitution of this state and the constitution of the United States. Mayor's court.

§ 2. That the fifth section of an act to amend "An act to incorporate the city of Quincy," approved February 3d, 1840, which said amendment was approved January 7, 1841, be and the same is hereby repealed. Section repealed.

APPROVED Jan. 28, 1851.

AN ACT in relation to the Belleville Literary Society and Belleville School Association. In force Jan. 28, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the election of trustees by the stockholders of the Belleville Literary Society, and also by the stockholders of the Belleville School Association, are hereby legalized, and said Literary Society and School Association are hereby declared entitled in law to all the rights and privileges conferred by chapter twenty-five, division second and fourth, of the Re- Election of trustees legalized. Privileges.

vised Statutes of (1845) one thousand eight hundred and forty-five.

Purchases of
property valid.

§ 2. This act shall take effect and be in force from and after its passage. And all purchases of property made by said trustees, for the use of said corporations, shall be deemed and held valid, in the same manner as if no irregularities existed in the organization of said corporations.

APPROVED January 28, 1851.

In force Janu-
ary 28, 1851.

AN ACT to incorporate the North-western University.

Corporators.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Richard Haney, Philo Judson, S. P. Keys and A. E. Phelps, and such persons as shall be appointed by the Rock River Annual Conference of the Methodist Episcopal Church to succeed them in said office; Henry Summers, Elihu Springer, David Brooks and Elmore Yocum, and such persons as shall be appointed by the Wisconsin Annual Conference of said church to succeed them; four individuals, if chosen, and such persons as shall be appointed to succeed them by the Michigan Annual Conference of said church; four individuals, if chosen, and such persons as shall be appointed to succeed them, by the North Indiana Annual Conference of said church; H. W. Rued, J. J. Steward, D. N. Smith and George W. Geas, and such persons as shall be appointed to succeed them by the Iowa Annual Conference of said church; four individuals, if chosen, and such persons as shall be appointed to succeed them by the Illinois Annual Conference of said church; A. S. Sherman, Grant Goodrich, Andrew J. Brown, John Evans, Orrington Lunt, J. K. Botsford, Joseph Kitterstring, George F. Foster, Eri Reynolds, John M. Arnold, Absalom Funk and E. B. Kingsley, and such persons, citizens of Chicago or its vicinity, as shall be appointed by the board of trustees hereby constituted to succeed them, be and they are hereby created and constituted a body politic and corporate under the name and style of the "Trustees of the North-western University," and henceforth shall be styled and known by that name, and by that name and style to remain and have perpetual succession, with power to sue and be sued, plead and be impleaded; to acquire hold and convey property, real, personal or mixed, in all lawful ways; to have and use a common seal, and to alter the same at pleasure; to make and alter from time to time such by-laws as they may deem necessary for the government of said institution, its officers

Name and style.

Powers.

and servants: *Provided*, such by-laws are not inconsistent Provide. with the constitution and laws of this state, and of the United States—and to confer on such persons as may be considered worthy of such academical or honorary degrees as are usually conferred by similar institutions.

§ 2. The term of office of said trustees shall be four Term of office of board of trustees. years, but that of one member of the board for each conference enjoying the appointing power by this act, and term of three of the members whose successors are to be appointed by the board hereby constituted, shall expire annually; the term of each member of the board herein named to be fixed by lot at the first meeting of said board, which board shall, in manner above specified, have perpetual succession, and shall hold the property of said institution solely for the purposes of education, and not as a stock for the individual benefit of themselves or any contributor to the endowment of the same; and no particular religious faith shall be required of those who become students of the institution. Nine members shall constitute a quorum for the Quorum. transaction of any business of the board, except the appointment of president or professor, or the establishment of chairs in said institution, and the enactment of by-laws for its government, for which the presence of a majority of the board shall be necessary.

§ 3. Said annual conference of the Methodist Episcopal church, under whose control and patronage said university is placed, shall each also have the right to appoint, annually, two suitable persons, members of their own body, visitors to said university, who shall attend the examination of students, and be entitled to participate in the deliberations of the board of trustees, and enjoy all the privileges of members of said board, except the right to vote. Powers of annual conference.

§ 4. Said institution shall remain located in or near the Location of university. city of Chicago, Cook county; and the corporators and their successors shall be competent in law or equity to take to themselves, in their said corporate name, real, personal or May hold real estate. mixed estate, by gift, grant, bargain and sale, conveyance, will, devise or bequest, of any person or persons whomsoever; and the same estate, whether real, personal or mixed, to grant, bargain, sell, convey, devise, let, place out at interest, or otherwise dispose of the same, for the use of said institution, in such manner as to them shall seem most beneficial to said institution. Said corporators shall faithfully apply all the funds collected, or the proceeds of the property belonging to the said institution, according to their best judgment, in erecting and completing suitable buildings, supporting necessary officers, instructors and servants, and procuring books, maps, charts, globes and philosophical, chemical and other apparatus necessary to the success of the institution, and do all other acts usually performed

Proceeds of property, how applied.

by similar institutions that may be deemed necessary or useful to the success of said institution, under the restrictions herein imposed: *Provided, nevertheless*, that in case any donation, devise or bequest shall be made for particular purposes accordant with the design of the institution, and the corporation shall accept the same, every such donation, devise or bequest shall be applied in conformity with the express conditions of the donor or devisor: *Provided, further*, that said corporation shall not be allowed to hold more than two thousand acres of land at any one time, unless the said corporation shall have received the same by gift, grant or devise; and in such case they shall be required to sell or dispose of the same within ten years from the time they shall acquire such title, and on failure to do so, such land, over and above the before named two thousand acres, shall revert to the original donor, grantor, devisor, or their heirs.

Not to hold more
than 2000 acres
of land.

Treasurer.

§ 5. The treasurer of the institution, and all other agents, when required, before entering upon the duties of their appointment, shall give bond for the security of the corporation, in such penal sums and with such securities as the corporators shall approve; and all process against the corporation shall be by summons, and the service of the same shall be by leaving an attested copy thereof with the treasurer, at least sixty days before the return day thereof.

Process against
corporation.

Principal and
teachers.

§ 6. The corporation shall have power to employ and appoint a president or principal for said institution, and all such professors or teachers, and all such servants as may be necessary, and shall have power to displace any or such of them as the interest of the institution may require; to fill vacancies which may happen by death, resignation or otherwise among said officers and servants; and to prescribe and direct the course of studies to be pursued in said institution.

Further powers.

§ 7. The corporation shall have power to establish departments for the study of any and all the learned and liberal professions in the same, to confer the degrees of doctor in the learned arts and sciences and *belle lettres*, and to confer such other academical degrees as are usually conferred by the most learned institutions.

Examining
board.

§ 8. Said corporation shall have power to institute a board of competent persons, always including the faculty, who shall examine such individuals as may apply, and if such applicants are found to possess such knowledge pursued in said institution as in the judgment of said board renders them worthy, they may be considered graduates in course, and shall be entitled to diplomas accordingly, on paying such fee as the corporation shall affix; which fee, however, shall in no case exceed the tuition bills of the full course of studies in said institution. Said examining

board may not exceed the number of ten, three of whom may transact business, provided one be of the faculty.

§ 9. Should the corporation at any time act contrary to the provisions of this charter, or fail to comply with the same, upon complaint being made to the circuit court of Cook county, a *scire facias* shall issue, and the circuit attorney shall prosecute, in behalf of the people of this state, for forfeiture of this charter. This act shall be a public act, and shall be construed liberally in all courts, for the purposes herein expressed.

APPROVED Jan. 28, 1851.

AN ACT to incorporate the Saline Coal and Manufacturing Company.

In force January 28, 1851.

Whereas the objects herein cannot be provided for under a general law of this state.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Albert G. Caldwell and Joseph Bowles, and their associates, successors and assigns, be and they are hereby created a body politic and corporate, under the name and style of the "Saline Coal and Manufacturing Company," and under and by that name they and their successors shall have succession, contract and be contracted with, sue and be sued in all courts and places; they shall have power to organize such company, by the appointment of a president and such other officers as they may deem necessary, at such time and place as they may designate, by notice previously given by them. And when thus organized they and their successors may have a common seal, and alter the same; and shall have power to make such by-laws, rules and regulations as they may deem necessary, from time to time, for the government and the management and prosecution of the business of said company, not inconsistent with the constitution and laws of this state and the United States.

§ 2. The said company may appoint and employ such agents as may be required by them, and define the powers and prescribe the duties of such agents.

§ 3. The said company may receive, buy and hold such real estate, mining rights and rights of way, as may be deemed necessary by them to the successful prosecution of their business and the execution of the powers herein granted; and shall have power to lay out and construct such waggon ways, railroads and appurtenances thereto, on and from the lands of said company, to such points on the Saline and Ohio rivers as they may deem expedient and pro-

per; to erect dams and construct locks on the Saline river, on the lands of said company, for the improvement of the navigation of said river, and which shall not impair such navigation; and to engage generally in the business of welling for salt water, and for the mining of coal, iron, clays and other minerals, and for the manufacture, sale, and transportation of the products of their wells, mines and such other commodities as the company may think promotive of its welfare, with all powers necessary and adequate to carry into effect the successful prosecution of their business and the execution of the powers herein granted.

Lands of any
feme covert, in-
fant, or person
non compos men-
tis.

§ 4. When the lands or estate of any *feme covert*, infant or person *non compos mentis*, shall be required by said company for the use of said company, the guardian of such infant or [person] *non compos mentis*, or husband of such *feme covert*, may release all damages for and in said lands or estate, as fully as might be done by the party when free from such disability; and the right of way and occupancy may be acquired and damages adjusted under the provisions of the law now in force in relation to the right of way; and when such damages are assessed and paid or tendered, according to the provisions of said act, the lands so acquired shall vest in said company, for the use and purposes thereof; and when such right of way shall have been awarded under said law, a copy of the report shall be filed and recorded in the county where such lands are situate, and a due certified copy of such record shall be taken and received as evidence in all trials relating to the same.

Not to impair
navigation of
river.

§ 5. The said company, in the erection of any dam and locks on said Saline river, shall not impair the navigation of said stream, but shall keep sufficient assistance, at all reasonable times, to permit and assist all boats and other vessels to pass up and down said stream through such locks, and upon such reasonable compensation and rates of toll as may be assessed by said company, and reported to the county court of the county or counties where such improvements shall be made: *Provided*, that such rates of toll shall not exceed the rates fixed at similar improvements in this state.

Acts repealed.

§ 6. All acts or parts of acts relating to the improvement of the navigation of the Saline river which are in conflict with the provisions of this act, be and the same are hereby repealed, and this act shall be in force from and after its passage.

APPROVED January 28, 1851.

AN ACT to incorporate the Chicago Marine Insurance company, of Chicago.

In force January 28, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, as follows :*

John C. Dodge, Horatio G. Loomis, Walter S. Gurnee, Edward R. Rogers, their associates and successors, are hereby declared a body corporate, by the name of the "Chicago Marine Insurance Company," to be established in the city of Chicago, county of Cook, and state of Illinois, for the purpose of making maritime loans and insuring against maritime losses, with power to sue and be sued, plead and be impleaded, to have and to use a common seal, and to make and alter from time to time such by-laws, not inconsistent with law or the provisions of this act, as they may deem necessary for the government of the said corporation.

Corporation created.

§ 2. The capital stock of said corporation shall be two hundred thousand dollars, to be divided into shares of one hundred dollars each. The said corporation, as soon as the capital stock is subscribed and twelve and a half per centum paid in, and the remainder secured by notes based upon bond and mortgage of improved real estate, not exceeding two thirds its value, or by deeds of trust of real estate in the city of Chicago, which said real estate or any part thereof shall be sold on thirty days' notice being given on default of the payment of the said notes, or any portion thereof, that may from time to time be called in, may commence and carry on their business.

Stock.

§ 3. All the corporate powers of the company shall be vested in eleven directors, who shall be citizens of this state and members of the company, one of whom shall be president thereof, who shall hold their offices for one year and until others are appointed in their stead. Annual meetings shall be held by the members of the corporation for the choice of directors, and any other business that may come before them, on the — in each year, at such time and place in the city of Chicago as a majority of the directors may appoint, and notice thereof shall be given in two of the papers printed in Chicago, at least ten days previous to said meeting, and the first meeting shall be on the first Monday in May, 1851. And the elections shall be holden under the inspection of five stockholders, who shall not be directors, to be appointed by the directors, and shall be made by ballot, by a plurality of the stockholders present, allowing one vote for every share. Stockholders not present may vote by proxy, and the voting powers of the members shall be determined five days previous to said election.

Directors.

Annual meetings.

§ 4. The directors so to be chosen shall meet as soon as may be after such election, and shall choose one of their body to be president, who shall preside for one year ; and in

President.

case of the death, resignation or inability to serve of the president, or any director, such vacancy or vacancies may be filled for the remainder of the year by the directors.

Special meet-
ings.

§ 5. A special meeting of the corporation shall be called by the president and directors, upon the application in writing of twenty members; notice of which shall be given ten days, successively, in two of the papers printed in Chicago. And special meetings of the corporation may be called whenever the president and directors may deem it expedient.

Insurance.

§ 6. The president and directors shall have power and authority, in the name and on behalf of the said corporation, to make all kinds of insurance upon vessels, goods, wares and merchandise, upon the rivers, lakes and canals in the state of Illinois, and on the waters of Lakes Michigan, Huron, Erie and Ontario, and in the adjoining states and territories, but shall not take on any one risk a larger amount than fifteen thousand dollars. Also, all kinds of insurance upon the inland transportation of goods or property, of any description, by land or water, and generally to do and perform all matters and things relating to such objects; and all policies of insurance shall be subscribed by the president, or in his absence by two of the directors, and countersigned by the secretary, and shall be binding and obligatory upon the said corporation in like manner and with like force as if under the seal of said corporation.

Restrictions.

§ 7. It shall not be lawful for the said corporation to deal, directly or indirectly, in any kind of goods, wares or merchandise whatsoever, or in buying or selling any stock or funded debt whatsoever, created or to be created by or under any act of the United States or any particular state, but it shall be lawful for the said corporation to purchase and hold any stock or funded debt last aforesaid, for the purpose of investing any part of their capital stock, funds or moneys therein, and also to sell and transfer the same and again invest the same, or any part thereof, in such stock or funds, whenever and as often as the exigencies of the corporation or a due regard to the safety of its funds shall require; and also to make loans on bond and mortgage, bottomry and respondentia, and the same to call in and re-loan on like security, as occasion may require: *Provided, however,* that nothing in this act contained shall be construed to confer on said corporation any banking power whatsoever.

Election of di-
rectors.

§ 8. The first election of directors shall be holden as soon as may be after the capital stock shall have been subscribed, under the inspection of five of the stockholders, whose duty it shall be to give due notice of the time and place of holding such election, and immediately after said election to give to the stockholders present a certificate of

the names of the persons elected, and to hand over to the directors the subscription books of the said corporation, and all papers relating to the same.

§ 9. There shall be annually chosen a committee of finance, consisting of five directors, of whom three shall form a quorum, who shall investigate the best mode of investing the funds of the corporation, and a majority shall have power to loan or invest the same. They shall also, at the end of the fiscal year, examine the statement of the affairs of the company made out by the secretary, and compare the same with the books. Financial committee.

§ 10. It shall be the duty of the president and secretary, at least thirty days previous to the annual election of directors, to prepare and insert in a book to be provided for that purpose, a full and true statement of the funds, property and securities of the said corporation, showing the amount on real estate, in bond and mortgage, in bottomry and respondentia, in notes and other securities, in public debt, in other stock, and the amount of debts due to and from the said corporation; which statement shall be certified by the president and secretary, and shall be open to the inspection of any stockholder of the said corporation, during the usual hours of business in the office thereof, until the day of election; and in case the president and secretary shall refuse or neglect to prepare such statement, or submit the same when required, they and each of them shall forfeit and pay to every stockholder so requiring the inspection of such statement the sum of five hundred dollars, to be sued for and recovered by such stockholder to his own use, in any court having jurisdiction to that amount, but such suit shall be commenced within thirty days after the annual election of directors of said company. Statement of funds, &c.

§ 11. It shall not be lawful for the said corporation to commence business under this act, until the president and secretary of the said corporation shall have made a deposition in writing, and filed the same in the office of the clerk of the county court of Cook county, that the capital stock of the said corporation has been paid in, or secured according to the provisions of this act. Commencement of operations.

§ 12. It shall be the duty of the president and directors of said company, on the first Monday in January in each year, to make a report of the state and situation of said company, showing the amount of capital stock paid in, and the manner in which the same is invested or secured; how much thereof has been consumed and expended in the payment of losses sustained by the said company; the amount of its expenses, and how much is safe, and the amount of liability incurred by said company, and of debts owing by them; the amount of premiums received, earned and unearned, of dividends made and losses sustained, during the Annual report.

preceding year, and the amount of losses claimed against said company but not adjusted or paid, and the amount of surplus on hand, and the manner in which the same shall be invested or secured, specifying the amount and nature of each security; which report shall be signed and sworn to or affirmed by the said president and secretary, and filed in the office of the clerk of the county court of Cook county, and a printed copy of the same shall be delivered to each member when requested.

Power of examination.

§ 13. It shall be lawful for the judge of the circuit court of Cook county, on the complaint of any stockholder, made either to the court or the judge in vacation, whenever it shall appear proper to cause the affairs and situation of the said corporation to be examined into by a master in chancery, or such other person as the judge may appoint, who shall make report to said court or judge: the expense thereof shall be determined by said judge, who, in his discretion, may direct such expense to be paid by the company.

Examination to be under oath.

§ 14. The person thus appointed to make such examination shall have power to examine, under oath, the president and secretary or other officers of said company, and the books, papers and vouchers thereof, and any other testimony, in such manner as will best advance the purposes of such investigation.

Duty of judges.

§ 15. If upon such investigation it shall appear that the corporation have in any respect exceeded the powers hereby granted, or violated the provisions of this act, it shall be the duty of the said court or judge to appoint a receiver of the stock, property and assets of said corporation, who shall have full power, under the direction and subject to the control of said court, to close and wind up the business and affairs of said corporation.

Duration of corporation.

§ 16. The duration of the corporation created by this act shall be twenty-five years, and the office of the corporation, for the transaction of business, shall be located in the city of Chicago.

APPROVED Jan. 28, 1851.

In force Jan. 28, 1851.

AN ACT to vacate the town plat of the town of Liberty, in Morgan county.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That the town plat of the town of Liberty, in the county of Morgan, be and the same is hereby vacated.*

§ 2. This act to be in force from and after its passage.
APPROVED Jan. 28, 1851.

AN ACT to incorporate the Terre Haute and Alton Railroad company.

In force Jan. 28,
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Robert

Smith, Cyrus Edwards, Simeon Ryder, Samuel Wade, Thomas G. Hawley, Robert Ferguson, Philander C. Huggins, John S. Hayward, Joseph T. Eccles, George Burnap, Thomas Phillips, Thomas A. Gray, William Wood, William F. Thornton, Joseph L. Dexter, John D. Bruster, Joseph Oliver, John Ward, John Small, Byrd Munroe, Hezekiah J. Ashmore, John M. Easton, James Cunningham, Ebenezer Noyes, Isaae Sanford, Richard B. Sutherland, Allanson Baldwin, George Redman, and all other persons who have or may become stockholders in the capital stock of the corporation hereinafter mentioned, in conformity with the provisions of the "An act to provide for a general system of railroad incorporations," enacted by the general assembly of the state of Illinois, and approved November 5th, 1849, and to the provisions of this act, they and their associates, successors and assigns, shall be and are hereby created a body politic and corporate, by the name of "The Terre Haute and Alton railroad company," and by that name they and their successors and assigns shall and may continue for the term of fifty years from and after the passage of this act, and are hereby authorized and empowered to construct and complete, and during its existence to maintain and continue, a railroad, with a single or double track, and with all such appendages as may be necessary for the convenient use of the same, commencing at a point on the state line between the states of Indiana and Illinois, in a direction for Terre Haute, Indiana; thence to Paris, in Edgar county; thence to Charleston in Coles county; thence to Shelbyville, in Shelby county; thence to Hillsboro, in Montgomery county; thence to Bunker Hill, in Macoupin county; and thence to Alton, on the Mississippi river, in the state of Illinois.

§ 2. The capital stock in said company shall consist of two millions of dollars, to be divided into shares of fifty dollars each, as fixed in the articles of association formed and adopted at a convention of the stockholders of said company, held at Paris, in Edgar county, in the state of Illinois, on the 3d day of June, A. D. 1850, and filed with the secretary of state, on the 15th day of January, A. D. 1851.

§ 3. The corporation shall cause books to be opened for subscription to the capital stock, at such times and places as they may choose, and shall give at least thirty days' notice thereof, by publication in a newspaper published in the town or city where said books may be opened,

and if there be no newspaper published therein, then in the nearest newspaper thereto.

Who may take stock.

§ 4. It shall be lawful for all persons of lawful age, or for the agent of any corporate body, or agent of any state or of United States, duly authorized in behalf of the same, to subscribe any amount of capital stock: *Provided*, that the directors of said corporation may, at their discretion, limit the amount of stock that any person, corporation or any agent may subscribe in their own name, or in the name of any other person.

Amount to be paid when stock subscribed.

§ 5. The corporation may require each subscriber to pay an amount at the time of subscribing, not exceeding five dollars on each share, as shall be thought proper: *Provided*, that due notice shall be given thereof, before the opening of the books as aforesaid.

Election of directors.

§ 6. As soon as five hundred thousand dollars of the capital stock is subscribed, and the fixed amount paid on each share, it shall be the duty of the directors named in the articles of association before referred to, to call a meeting of the stockholders for the election of thirteen directors, who shall be stockholders to the amount of at least twenty shares, and the said directors shall give thirty days' notice of the time and place of said meeting, by publication in at least two newspaper published on said line of road; and the said election shall be conducted by two judges appointed by the stockholders present, and the persons having a plurality of votes shall be declared duly elected. In all elections the holding of one share shall entitle the person to one vote, and votes may be given by the person owning the same, or by one of several partners, or by husband, father, mother, executor, administrator, guardian, or trustee, or by authorized agent of any corporation, state or of the United States, or any person having a right to vote may vote by written proxy.

When construction to commence.

§ 7. Whenever the aforesaid sum of five hundred thousand dollars is subscribed as aforesaid, the said corporation may commence, construct and complete the aforesaid railroad.

Time of election of directors.

§ 8. All elections, after the first, in relation to the officers of this corporation, shall be held on the first Monday of June annually, under the direction of three stockholders, not directors at the time, to be appointed by an order of the board of directors at a previous meeting: *Provided*, that said directors may cause elections to be held on any other day, should there be no election at the time fixed in this section.

Term of office of directors.

§ 9. The directors provided for shall continue in office for one year, and until their successors are elected and qualified, and a majority shall form a quorum for the transaction of business.

§ 10. The said corporation is hereby authorized, by and with the consent of the state of Indiana, to extend said railroad to Terre Haute, Indiana, or to form a connection with any company that may be formed for that purpose by the authority of the state of Indiana.

Extension to
Terre Haute.

§ 11. The said company is hereby authorized to borrow money, and for that purpose may issue bonds, to bear an interest not exceeding eight per cent. per annum, to aid in the construction of said railroad; but the payment of said bonds shall be secured by said road and its appendages, and the franchises and property of said corporation: and all sales of bonds for a less amount than par value shall be good and valid and as binding upon said corporation as if the same were sold for their full value: *Provided*, that nothing in this act shall be so construed as to confer upon said company banking privileges.

May borrow
money.

§ 12. This act shall take effect and be in force from and after its passage, and shall be taken and deemed to be a special act.

APPROVED January 28, 1851.

AN ACT to change a street in the town of Joliet.

In force Jan. 28,
1851.

Whereas John Curry, T. R. Hunter, Nancy A. McMaster, and the commissioners of highways of the town of Joliet, have petitioned the legislature to reduce Oneida street, in Joliet, (formerly called West Joliet) to fifty feet, by taking off sixteen feet on the south side of said street, between the river and Broadway, and adding the same to the north side of the lots lying south of said street, between said river and Broadway. The owners of said lots to which the sixteen feet are to be added, in consideration of the same, propose to do work on said street to the value of the sixteen feet added to their lots from said street; therefore,

Petition for
change of
street.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That whenever John Curry, T. R. Hunter and Nancy A. McMaster have done labor upon Oneida street, between the river and Broadway, in the town of Joliet, (the two first named persons, each to the amount of fifty dollars, and the latter to the amount of twenty-five dollars,) said work to be done under the direction of S. W. Bowen, one of said commissioners of highways in the town of Joliet; and whenever said S. W. Bowen makes a certificate that said work has been done as before required, and presents the same to the

What required
of parties.

commissioners of highways in said town, they shall make out a plat of the town adjoining said Oneida street, showing the said street reduced to fifty feet as contemplated in this act, and have the plat, together with their certificate of all the facts, setting forth that the street has been reduced in width to fifty feet, by taking off sixteen feet from the south side of said street and adding the same to the north side of the lots adjoining said street owned by John Curry, T. R. Hunter and Nancy A. McMaster; and when said commissioners file the said plat and statement as aforesaid, they shall state in the said certificate the fact that all the requirements of this law have been complied with, to entitle the said John Curry, T. R. Hunter and Nancy A. McMaster to the land thus attached to their lots from the said street, and their heirs and assigns.

This act to be in force from and after its passage.

APPROVED January 28, 1851.

In force Jan. 28,
1851.

AN ACT to vacate an alley named therein.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the alley running through block seventy-seven (77,) in the town of La Salle, in the county of La Salle, be and it is hereby declared vacated.

§ 2. This act shall be in force from and after its passage.

APPROVED January 28, 1851.

In force Jan. 28, AN ACT to establish a ferry across the Illinois river at La Salle, and to authorize the construction of a plank road.

Ferry author-
ized.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That Isaac Hardy, Charles Todd and David L. Hough, of the county of La Salle, their associates, heirs or assigns, be and they are hereby authorized to establish a ferry on the Illinois river, opposite the town of La Salle, in the county of La Salle, on section twenty-two (22,) in township thirty-three, north of the base line, and range one (1,) east of third principal meridian, and to run the same from both sides of said river, from the road leading across lock fourteen of the Illinois and Michigan canal, on the north side of said river, and from any lands owned by them, or any other per-

son or persons, with the consent of the owner or owners thereof, or from any public street, road or landing on the south side of said river, for and during the term of twenty years from the passage of this act.

§ 2. The said Hardy, Todd and Hough, their associates, Tolls. heirs or assigns, shall be authorized to demand and receive the same tolls which any other ferry in said La Salle county, across said river, is authorized to demand and receive, and shall in other respects be entitled to all the privileges, and subject to all of the duties and restrictions, contained in chapter forty-two of the Revised Statutes of this state, entitled "Ferries and Toll-Bridges": *Provided*, that whenever the town of La Salle shall become incorporated, the authorities of said town shall have power to regulate the tolls on said ferry.

§ 3. All taxes which may be levied on said ferry and collected shall be appropriated and used to aid in constructing and keeping in repair the road or roads leading from said ferry, and unless said ferry shall be put in active operation, and within one year from the passage of this act, then and in such case sections one and two of this act shall become null and void. Taxes, how appropriated.

§ 4. The said Hardy, Todd and Hough, their associates, heirs and assigns, are hereby authorized and empowered, under the name and style of the "La Salle Plank Road company," to construct a plank road to connect their said ferry landing, on the north side of the Illinois river, with the Illinois and Michigan canal, at lock fourteen of said canal, and said company is hereby authorized to exercise all the powers, and enjoy the rights, privileges and immunities conferred upon the "Salisbury Plank Road company," by an act entitled "An act to incorporate the Salisbury Plank Road company," approved February 12, 1849, and shall also be subject to all the restrictions and liabilities imposed by said act upon said company. Plank road authorized to be constructed.

This act to be in force from and after its passage.

APPROVED January 28, 1851.

AN ACT to amend an act entitled "An act to incorporate the Illinois Coal Company." In force Jan. 29, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That so much of the act entitled "An act to incorporate the Illinois Coal company," approved the 12th of February, 1849, as authorizes and requires said company to establish a ferry across the Mississippi river; and also, so much of said act *Parts of acts repealed.*

as requires said company, within the limited time therein named, to construct and put in operation the railway therein authorized; and also, so much of said act as affixes any disability, forfeiture or penalty whatsoever to the failure of said company to establish said ferry, or to construct or put in operation said railway, (within said limited time) be and the same are hereby repealed; and in particular, that the sixth section of said act be and the same is hereby repealed.

Authorized to
construct
branch roads.

§ 2. That said Illinois Coal company be and are hereby authorized to construct and put in operation any branch or branches to said railway, not exceeding six miles in length, appearing in their judgment necessary to or promotive of their business or interests; and for these objects may, by any or all of the ways and means referred to in the act to which this is an amendment, acquire suitable rights of way, lands for convenient and commodious depots, and such other property and rights of property and privileges as may be promotive of the business and interests of said company, or adapted to the uses of said railway and branches.

Ferry privilege.

§ 3. That said company be and are hereby authorized to ferry across the Mississippi river the passengers and freight of said railway and branches, and for this purpose to acquire, hold and use any and all descriptions of property, and rights of property auxiliary to this privilege: *Provided*, that nothing in this act contained shall be so construed as to authorize and empower the said Illinois Coal company, under their original charter or this amendment thereto, to build any branch road, acquire any rights of way, or depots, upon the Mississippi bank below Brooklyn, or upon the island opposite the city of St. Louis commonly called "Bloody Island," or the accretions thereto,

Proviso.

Farther provi o.

without the consent of the owners of said land: *And provided, further*, that nothing in this act contained shall authorize the said Illinois Coal company to establish any ferry or exercise any ferry rights or franchises upon the said island opposite St. Louis commonly called "Bloody Island," or the accretions thereto, either with or without the consent of the owners of said island.

Branch roads
not to form
part of any
road extended
across the state.

§ 4. The branch roads authorized under this act, or the one to which this is amendatory, shall be constructed to carry out the legitimate purposes for which said original charter was granted, and not so as to form any part of a railroad across this state, and shall not be extended in any eastwardly direction from the main trunk, nor shall said company establish a ferry, or hold the same, or exercise any ferry rights or franchises above the town of Brooklyn.

APPROVED Jan. 29, 1851.

AN ACT to amend an act incorporating the Illinois Conference Female Academy. In force Jan. 29, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the name of the Illinois Conference Female Academy shall be and the same is hereby changed to that of the "Illinois Conference Female College;" and the number of trustees of said institution may be increased to thirty-two.

APPROVED Jan. 29, 1851.

AN ACT to amend the charter of the Alton and Sangamon Railroad company. In force Jan. 29, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the president and directors of the Alton and Sangamon Railroad company are hereby authorized to change the route of their railroad, so as to construct their road on the most direct and eligible route from Carlinville to Springfield, anything in their charter to the contrary notwithstanding: *Provided,* the subscribers residing west of the line adopted by the company, between the point of divergence from the old line and Springfield, may be released from their subscription to stock in said company, and the refunding by said company the amount paid by such subscribers.

§ 2. This act to take effect from and after its passage.

APPROVED Jan. 29, 1851.

AN ACT to incorporate the Young Men's Association of the city of Chicago. In force Jan. 30, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the members of the Young Men's Association of the city of Chicago, and all persons who shall hereafter become associated with them, are hereby constituted a body politic and corporate, by the name of the "Young Men's Association of the city of Chicago," and by that name shall have perpetual succession, with power to make, have and use a common seal, and the same to alter and renew at pleasure, to contract and be contracted with, sue and be sued, implead and be impleaded, answer and be answered unto, in all courts of competent jurisdiction, and shall have all other powers and privileges necessary to fulfil the objects of their incorporation. Incorporation.

§ 2. The objects of said corporation shall be to establish and maintain a reading room and library, and to pro-

cure literary and scientific lectures, and to promote the intellectual improvement of its members.

Officers. § 3. The officers of said corporation shall be a president, two vice presidents, corresponding secretary, recording secretary, treasurer, and seven managers. They shall be chosen annually, by ballot, by the members of the corporation, and the persons receiving a majority of the votes of the members present shall be declared elected, and shall hold their respective offices for one year, or until their successors shall be appointed. The above named officers shall compose the executive committee.

Meetings. § 4. There shall be an annual meeting of the corporation, on the first Saturday of February, in each and every year, for the purpose of electing officers, hearing the report of the executive committee, and transacting all other necessary business.

Officers. § 5. Said corporation shall have power to define the duties of its officers, appoint such committees and adopt such by-laws as may be necessary for its government, the management of its concerns, and the fulfilment of its objects; and shall be competent in law and equity to take to
By-laws. itself, in its corporate name, real, personal or mixed property, by gift, grant, bargain, and sale, conveyance, will, devise or bequest, of any person or persons whomsoever, and the same estate to grant, bargain, sell, convey, demise, at or place out at any interest, or otherwise dispose of the same, for the use of said corporation, in such manner as shall seem most beneficial thereto.

Treasurer. § 6. Said corporation may require bond and satisfactory security of its treasurer, for the faithful performance of his duties as such officer.

Constitution and by-laws and property of association. § 7. The constitution and by-laws now adopted by said association shall continue in force until the next annual meeting of said association after the passage of this act; and all personal property and effects, of whatever kind or description, now held by said association, or any person or persons in trust therefor, shall, by virtue of this act, vest in and become the property of the corporation hereby created, and may be sued for recovered in the name of said corporation.

Real estate not to exceed capital stock. § 8. The association hereby incorporated shall have power and authority, and are hereby authorized, to purchase real estate or other property in the city of Chicago, not exceeding the capital stock created, at such terms as it may be determined by the executive committee aforesaid, to create a capital stock as in this act provided, for the purpose of erecting necessary buildings for the permanent occupation of the association, reading room, library and lecture rooms.

Capital stock, how subscribed. § 9. For the purpose of purchasing such real estate and

erection of permanent buildings as aforesaid thereon, the said executive committee are hereby authorized and empowered, at such time as they may think proper, by resolution to that effect entered upon the record of the proceedings, to create a capital stock of twenty thousand dollars, divided into shares of fifty dollars each, with the privilege at any time thereafter of increasing the same to fifty thousand dollars, if such amount shall by them be deemed necessary for the purposes aforesaid, upon publishing twenty-five days' notice of such resolution in one of the daily newspapers printed in the city of Chicago; at the expiration of which time books shall be opened for the subscription of said stock at the reading rooms of the association, by Thos. Hoyne, William T. Barrow, George Manierre, William C. Doggett, James H. Rees and H. G. Shumway, who are hereby constituted a committee to open said books and solicit subscription for said stock; and the same shall be payable in such instalments and at such times and subject to such forfeitures as shall be prescribed by said executive committee.

§ 10. After all said capital stock, so created as aforesaid, shall have been subscribed, a meeting of all the stockholders and members of the association shall be called by the said stock committee, who shall require a payment of five dollars on each one hundred dollars of stock in cash, at the time of said meeting, from each subscriber of stock, on the amount subscribed for by him, and a new election of officers shall then take place, who shall hold their offices until the next ensuing regular election. And at such election, and all elections thereafter held, each member of the association shall be entitled to one vote, and each stockholder to one vote, for each and every share of stock he may hold, and a majority of all the votes cast shall be required to make an election: *Provided*, that no stockholder shall be entitled to vote at such elections who may be in arrears for his payment of the instalment required or called for on his stock, and no member of the association shall vote unless he has first paid up his regular annual and quarterly dues to the association.

§ 11. As soon as said stock is subscribed the said executive committee shall have power to borrow any sum or sums of money, not exceeding the amount of said capital stock, to secure the early completion of said buildings, and for this purpose they are hereby authorized to issue bonds therefor, and pledge all property, real or personal, owned by said association, for the repayment thereof.

§ 12. This act shall be a public act, and as such shall be received in all courts, and receive a construction favorable to the accomplishment of its objects.

§ 13. Persons not stockholders may become members.

on payment of such dues as may be fixed upon by the executive committee from time to time.

Excess of rents
and profits,
how applied.

§ 14. After the payment of all expenses of the association in keeping up the lecture room, library and reading rooms, in such manner as the executive committee think proper, and after said buildings are erected for use of the said association, then the overplus arising from rents or profits of any such real estate or buildings owned by the association, or purchased or erected as afore-mentioned shall be divided, annually, *pro rata* among the stockholders of said association, according to the amount of the stock held by them respectively.

§ 15. This act shall take effect from and after its passage.

APPROVED Jan'y 30, 1851.

In force Feb. 15,
1851.

AN ACT to amend the charter of Knox County Manual Labor College.

Preamble.

Whereas by an act entitled "An act to incorporate the Manual Labor College," approved February 15, 1840, it was provided that if donations, grants or devises in land should, from time to time, be made to said corporation, over and above one thousand and forty acres (which one thousand and forty acres, by the term of said act, might be held in perpetuity by the said corporation,) the same might be received and held by said corporation for the period of three years from the date of every such donation, grant or devise. And whereas by an act entitled an act to amend the act first aforesaid, approved January 18, 1840, the time for holding the said donations, grants or devises of lands by the said corporation was extended to seven years, in addition to the period of three years; now, therefore,

Time of holding
of land ex-
tended.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That the period during which the said corporation of Knox Manual Labor College may hold any such donations, grants or devises in land, be and the same is hereby extended for further term of ten years, in addition to the said term limited in the said two above mentioned acts.*

Where former
limitation has
expired.

§ 2. That in all cases where the said limitation of seven years shall have expired before the passage of this act, the said term of ten years in this act provided for shall be construed to commence and shall commence at the time of expiration of such seven years.

§ 3. That in all cases where the said corporation

have been the owner or holder of the title to any real estate before the expiration of the said term of seven years, the right, title or interest of the said corporation in or to such real estate shall not be construed or held to be or to have been impaired or defeated, on the account of the said corporation having failed to sell or dispose of such real estate during the said term of seven years, but the right, title and interest of such corporation in and to such real estate shall be held to be and shall be as full and perfect, from and after the expiration of the said seven years, during the full term of ten years in this act mentioned, as before the expiration of the said term of seven years.

Title not impaired by expiration of 7 years' limit.

§ 4. That all contracts and agreements, bonds, obligations, conveyances and deeds of any real estate made or entered into concerning any real estate heretofore owned by said corporation, which may have been made or entered into since the expiration of the said term of seven years, by the said corporation, shall be deemed and held as good and effectual in law, to all intents and purposes, to bind, hold and convey any interest which the said corporation might or would have had in such real estate if the said limitation of seven years had not expired at the time of the making or entering into of any such contract, agreement, bond, obligation, conveyance or deed.

Contracts since expiration of seven years limit valid.

APPROVED Feb. 1, 1851.

AN ACT to incorporate the Chicago Building Association.

In force Feb 1, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That William W. Danenhowe, H. B. Hind, John H. Kedzie, John W. Waughop, Stephen Bronson, Jasper A. Hoisington, John H. Atkin, Franklin V. Pitney, Nathan H. Bolles, William Stacey and Thomas M. Moody, directors, and all such persons as are or shall become subscribers of the stock hereinafter mentioned, shall be and they are hereby constituted and declared a body corporate and politic, by the name and style of the "Chicago Building Association," and by that name and style they and their associates and successors are hereby made as capable in law as natural persons, to contract and be contracted with, to sue and be sued, to plead and be impleaded, in all courts of law and equity, and make and use a common seal, and to alter the same at pleasure; to acquire by purchase or other ways and hold all kinds of estate and property that may be necessary to accomplish the objects of said association, and to convey the

Corporation.

Style.

same and such property as may now be held in trust for the members thereof; to form a constitution and by-laws for their government, the appointment, number and duties of officers, the transfer of stock, the manner of making loans and taking security therefor, and the manner of holding and conveying property: *Provided*, the same shall not be inconsistent with the laws and constitution of this state and of the United States.

Object of association.

The object of this association shall be to accumulate a fund, by the savings of the members, and to loan the same to the stockholders of the association, so as to enable each stockholder to purchase a lot and build or purchase a house, and thus provide himself a home.

Capital stock.

The capital stock of the association shall consist of not exceeding five hundred shares of two hundred dollars each, of which no one stockholder shall own more than ten shares.

Loans.

The board of directors shall have power to award loans to stockholders only at the highest premium that may be bid therefor at public auction, with interest at the rate of six per cent. per annum, and to take security therefor.

Former acts legalized.

[§ 2.] *Be it further enacted*, That the adoption of the constitution and by-laws, the election of officers, awarding of loans for premiums and interest, and taking securities, heretofore done in a manner not inconsistent with this act, are hereby legalized and declared valid; and all securities and property now held in trust for the members of said association are hereby declared to be vested in the said Chicago Building Association, as effectually and to the same extent as if the same were taken directly to said corporation, and shall be subject to the same control, and any release or conveyance of the same property, executed by said association, shall be valid in law and vest title.

APPROVED Feb. 1, 1851.

In force Feb. 1, 1851.

AN ACT to enable the guardian of Louisa Buzan to settle his guardianship.

Preamble.

Whereas it is represented to this general assembly, that David B. Starr, of the county of Montgomery, was, in the year 1833, by the probate court of said county, duly appointed guardian of Louisa Buzan, an orphan minor, and that said Louisa Buzan is either dead or resides in parts unknown, and on due enquiry cannot be found, and that if said Louisa Buzan is now living she is of lawful age, and that said David B. Starr is desirous of settling his said guardianship and paying over the amount in his

hands belonging to said Louisa Buzan, if living, or to her heirs or legal representatives, if dead, to some person authorized to receive the same ; therefore.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That it shall and may be lawful for the county court of said county of Montgomery, acting on probate business, to appoint some discreet and responsible person, resident of said county, to be receiver, who shall receive of said David B. Starr, guardian as aforesaid, the whole amount which shall be found due from said Starr to said Louisa Buzan as aforesaid, and receipt for the same. county court to appoint receiver.

§ 2. It shall be lawful for said David B. Starr, after having first settled the account of his said guardianship with said county court, to pay to the said receiver so to be appointed the whole amount which shall be found due on such settlement, and to take such receiver's receipt for the same ; and such payment so made shall as fully, and to all intents and purposes, exonerate and discharge said Starr from all further liability on account of the money so paid, as if said payment had been made to said Louisa Buzan or her heirs or legal representative: *Provided, however,* that no such payment shall be made to said receiver until such receiver shall have executed a bond, with good and sufficient freehold security, in double the amount found due on such settlement, and so to be by him received, to be approved by said county court and payable to the people of the state of Illinois, for the use of said Louisa Buzan, her heirs or legal representative, conditioned as guardians' bonds are conditioned, and for the final accounting for and paying whatever may be found due to said Louisa Buzan or her heirs or legal representative. After settlement by court shall pay over to receiver.

§ 3. It shall be the duty of said receiver so to be appointed to loan out at interest the money so by him received, under the order, direction and approval of said county court, in the same manner as if he held the said money as guardian of an orphan minor. Duty of receiver.

§ 4. Said receiver and his securities on his said bond shall be liable for any breach of the conditions of said bond, to the same extent as guardians and their securities are liable on guardians' bonds. Liability of receiver.

This act to take effect and be in force from and after its passage.

APPROVED February 1, 1851.

In force Feb. 1, 1851. AN ACT supplemental to an act entitled "An act to incorporate the Northern Cross Railroad Company," approved February tenth, one thousand eight hundred and forty-nine.

Branch road authorised.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the company organized under the act to which this is a supplement, is hereby authorized and empowered to locate, construct, establish and finally complete and hereafter use a lateral branch of said Northern Cross railroad, commencing at any convenient point on said Northern Cross railroad, in the county of Adams, and running thence, on the most eligible, beneficial, expedient and practicable route, through the Military Bounty Tract, and terminating at the most convenient and eligible point at or near the southern termination of the Illinois and Michigan canal: *Provided*, the said company shall not locate or construct the said branch upon any line east of the town of Knoxville, in Knox county. The said company are hereby empowered, in the construction of said branch railroad, to lay out said road wide enough for a single or double track, throughout the whole length thereof, and for the purpose of constructing the same, and for materials, stone, earth and gravel, may take and use as much more land on the sides of the same as may be necessary for the proper construction and security of said road.

Proviso.

Capital stock.

§. 2. The capital stock of said company, in addition to the capital stock provided for in said original bill, shall be two millions of dollars, and may be increased to three millions of dollars, to be divided into shares of one hundred dollars each: and the directors of said company are hereby vested with power and authority to provide for opening books and obtaining subscriptions to the said additional capital stock, in such manner and under such rules and regulations as they may prescribe for obtaining subscriptions to the capital stock provided for in said original bill.

Provisions of original charter applicable to branch road.

§ 3. The provisions of the act to which this act is supplemental, relating to the power, authority and duties of the directors, and to the election and powers of the president of said company, and to the powers, rights, authorities, privileges and immunities pertaining to the Northern Cross railroad, granted to said company by the said original act, with the power to procure such loan or loans of money as may be deemed necessary for the construction of said branch railroad, and to pledge the said road for the payment thereof, and to receive in payment of stock subscribed for bonds and mortgages, and also any securities or evidences of debt, stock in other companies, or other valuable things, and to dispose of or pledge the same for the purposes of said company in the construction of said branch railroad, and all and singular the provisions of the said original act

and of the act therein mentioned, and beneficial to said company, shall apply to the said Northern Cross Railroad company, to all intents and purposes, and in every manner of things, powers, rights, privileges or authority whatever, in reference to the said branch railroads, as fully and completely as if the location and construction of the said branch railroad had been authorized and provided for in and by the said original bill.

§ 4. This act shall be deemed and taken to be a public act, and be construed liberally for the benefit of said company.

APPROVED Feb. 1, 1851.

AN ACT to incorporate the Canton Cemetery Company.

In force Feb. 1,
1851.

Whereas William Hulet, James R. Walter, Robert C. Cul-ton, Joel Wright, Thompson Maple, Charles Kirkpatrick, John W. Shinn, John G. Graham, James Sulley, James H. Stipp, Thomas J. Little, Tracy Doolittle, (*alias* Stephen Tracy,) Evan Davis, Henry Rohrer, Mathias Himinover, James Brown and Davis Ferguson, in the year A. D. 1848, associated themselves together, under the name and style of the "Canton Cemetery Company," and elected the said William Hulet, Thompson Maple and John G. Graham trustees of said company; purchased from Joel Wright seven and ninety-six one hundredths acres of land, part of the north-east quarter of section thirty-four, township seven north, range four east, in the county of Fulton, in the state of Illinois, as per deed from Joel Wright and wife to the said trustees, dated April 12th, A. D. 1848, for the purpose of a burying ground for the citizen and stranger, and laid the same of in lots for that purpose; therefore,

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That William Hulet, Thompson Maple and John G. Graham (aforesaid,) of the town of Canton, and their associates and successors in office, be and they are hereby constituted a body corporate and politic, by the name and style of the "Canton Cemetery Company," and by that name to have perpetual succession, and invested with all the powers, rights, privileges, liabilities and immunities incident to corporations. Style of corporation.

§ 2. Said company shall have power to hold the land above described, to own and possess, by purchase or gift, real estate, not exceeding fifteen acres, and personal property not exceeding one thousand dollars, for the use and purpo- May own fifteen acres land.

ses of said cemetery; which shall be exempt from taxation, execution or appropriation for public uses.

Object of com-pany. § 3. The object of said company shall be exclusively and solely to lay out their burial places for the dead, into lots, with convenient aisles, and to sell said lots for the purposes herein contemplated, and none other, reserving a sufficient portion thereof for the burial of the stranger and indigent persons,—to improve and ornament the said ground, to erect a hearse house, keeping the same in proper order and repair, the purchase of a hearse or hearses, and such other objects as may be connected with this corporation, to the end that all the appliances, conveniences and benefits of a public and private cemetery may be derived or obtained.

Officers of com-pany. § 4. The officers of said company shall consist of a president and two directors, constituting a board of trustees; a secretary, who shall also be treasurer; and a sexton,—who shall be chosen annually, on the first Monday in January in each year hereafter, or on such other day or time as the said board shall determine or direct; and the said officers to hold their respective offices until their successors are elected and qualified. And all vacancies may be filled in such manner as said board shall, by their by-laws, direct, and until the election of officers under this act, on some day on or after the first Monday in January, A. D. 1852, said William Hult shall act as president, and Thompson Maple and John G. Graham as directors, who shall appoint the other officers until an election is held. Every person owning one or more lots shall be a member, and entitled to one vote only. Absent members may vote by proxy.

Power of trustees. § 5. The board of trustees shall have power, by and under their hands and private seals and acknowledgment, as required by law, to transfer the right of property to any lot or lots for the purposes aforesaid, to any person or persons, his, her or their heirs or assigns, and an entry of all sales shall be made in a book to be kept for that purpose, and all assessments shall be reported and entered in said book to entitle the owner to a vote, and the said board of directors shall have power to establish and change by-laws and prescribe all such rules and regulations, not inconsistent with the constitution and laws of the United States or of this state, for the government of said company, the election of officers, prescribe their duties and remuneration, and for the management of the affairs, property and business of this corporation, and to enforce the same in law or equity.

This act shall take effect and be in force from and after its passage.

APPROVED Feb. 1, 1851.

AN ACT to authorize Wade H. Eldridge to keep a ferry across the Mississippi river. In force Feb. 1, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Wade H. Eldridge, his heirs and assigns, be and they are hereby authorized to establish and keep a ferry, for ten years, across the Mississippi river, between Savannah, in the county of Carroll, Illinois, and Salula, in Jackson county, in the state of Iowa; during which term neither the county court nor the board of supervisors of said county of Carroll shall grant a license to any other person or persons to establish a ferry within two miles of said town of Savannah. Ferry established.

§ 2. The said Eldridge shall keep at all times a good and sufficient boat, worked by steam or horse power, sufficient for all the speedy and safe transportation of all passengers, teams, horses, cattle and all other animals, as well as goods and effects belonging to passengers, and shall furnish said boat with men of suitable strength and skill to manage the same, and shall charge and receive such rates of ferriage as shall be annually fixed by the board of supervisors of said Carroll county. Shall keep ferry in working order,

§ 3. The said Eldridge shall pay into the county treasury of Carroll county such annual tax as may be imposed upon said ferry by the board of supervisors of said county, not exceeding twenty-five dollars; and in the management and regulation of said ferry shall be governed by the act to establish ferries and toll-bridges, approved March third, one thousand eight hundred and forty-five. Tax upon ferry.

§ 4. This act to take effect and be in force from and after its passage, but may be altered, amended or repealed when the public good may require it. Act may be amended.

APPROVED February 1, 1851.

AN ACT concerning the Mt. Carbon Coal Company.

In force Feb. 1, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the act entitled "An act to incorporate the Mt. Carbon Coal company," approved the 24th day of January, one thousand eight hundred and thirty-five, and the act supplemental to the above recited act to incorporate the Mt. Carbon Coal company, approved February twenty-sixth, one thousand eight hundred and forty-one, be and the same are hereby declared to be in full force and virtue. Acts revived.

§ 2. *Be it further enacted,* That the said Mount Carbon Coal company shall commence the railroad authorized to be

ten railroad
be com-
enced and
completed.

more stock-
holders may
meet.

oviso.

and may be
continued.

in force for
10 years.

made by the aforesaid supplemental act, within one year from the passage of this act, and shall complete the same within three years, otherwise this act shall be null and void.

§ 3. For the greater convenience of the stockholders, and the better management of the affairs of the company, the stockholders and the board of president and directors may hold their meetings in the county of Jackson, state of Illinois, or in any other place within the United States which may be considered by them as more conducive to the best interests of the company: *Provided*, that an authorized agent of the said company shall at all times reside in the said county of Jackson, in the state of Illinois, and that service of legal process on said agent shall be deemed as sufficient service on the corporation in any suit or suits which may be instituted against it.

§ 4. *Be it further enacted*, That the said Mount Carbon Coal company may, at any time hereafter, when they deem it expedient, continue the said railroad, from its terminus on the Mississippi river to the town of Breeseville, on said river; and in case said company should not continue or extend said road to Breeseville, then any other company to be incorporated may so continue and extend the same.

§ 5. This act to take effect from its passage, and to continue in force thirty years from that date.

APPROVED February 1, 1851.

in force Feb. 1, 1851. AN ACT to vacate certain streets in the town of Byron, in Ogle county, Illinois.

parts of streets
vacated.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That so much of Third street as lays west of Walnut street, and those parts of Washington street, Franklin street, Lafayette street and West street, as lays north of Second street, in the town of Byron, Ogle county, Illinois, be and the same are hereby vacated; and that the aforesaid streets hereby vacated shall be attached to the several lots adjoining the same, in equal proportions.

APPROVED February 1, 1851.

AN ACT to amend an act to incorporate the Rock Island and La Salle Railroad Com- In force Feb
pany. 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the Rock Island and La Salle Railroad company be and they are hereby authorized to continue their projected railroad from its present termination, by the way of Ottawa and Joliet, to the city of Chicago, under the same powers and privileges, and subject to the same restrictions, that are conferred on said company for the construction of their railroad from the city of Rock Island to its present termination.

Route extended
to Chicago.

§ 2. The name of said company is hereby changed to the Chicago and Rock Island Railroad company: that the capital stock may be increased to any sum of money they may deem necessary to construct their entire road, not exceeding three millions of dollars, and the number of their directors to thirteen.

Name changed

§ 3. Until the next election of directors for said company, the following persons, to wit, Elisha S. Wadsworth, William Reddick, Nelson D. Elwood, George Barnett, George Steele, Uri Osgood, Henry G. Loomis and John V. A. Hoes, are hereby appointed additional directors, and shall have equal rights with the present directors of said company, and no sale or transfer of the rights under this act, or the act to which this is an amendment, shall be made, and no leasing or letting of the entire work upon the road herein provided shall be made without the assent of a majority of the directors herein specially named; that the board of directors hereby created shall constitute the directors of said company until an additional subscription of three hundred thousand dollars shall have been made as prescribed in the act to which this is an amendment. After said additional subscription the stockholders shall meet, as provided in said act, and elect a board of thirteen directors.

Directors.

§ 4. If the said company shall fail to commence the construction of said railroad within one year from the passage of this act, and prosecute the same with vigor to completion, the directors herein specially named shall constitute a board of commissioners, and shall receive subscriptions and organize according to the provisions of the act to which this is an amendment, and when so organized the stockholders under said last named subscription shall constitute the corporation authorized and provided for in this act and the act to which this is an amendment, and shall have all the powers and privileges, and be subject to all the restrictions and conditions in the said act contained; and the present officers of the corporation shall transfer to the new board of directors all the books, papers, property and assets which may be owned by said corporation, and the same

Work to commence within
a year.

Board of commissioners.

Assets of corporation
vested in new
corporation.

shall be vested in the new corporation; and the present stockholders shall constitute stockholders in the new corporation, upon equal terms with the new corporators, and the rights and interests of such as are then stockholders shall be settled by the new board of directors, upon fair, just and equitable terms.

Lights and privileges of corporation, subject to conditions. § 5. The rights and powers and privileges hereby granted to said corporation are made subject to the following conditions, in order to protect the interest of the Illinois and Michigan canal:

Bonus to canal.

1st. Said corporation shall pay the board of trustees of the Illinois and Michigan canal, upon all freights transported upon said railroad, the same rates of toll that now are or hereafter shall be fixed upon like articles of freight carried through the canal. The moneys arising from said tolls shall be applied by said board of trustees in the same manner as the present revenues of the canal are required by law to be applied. Said tolls to be paid by said railroad company are subject to the following limitations and restrictions:

How applied by canal board.

Limitations and restrictions.

1. All live stock transported on said railroad are to be free from tolls of any kind.

2. No tolls are to be paid by said railroad company on any property transported by them, except during the season of canal navigation.

3. No tolls are to be paid by said railroad company during the suspension of navigation upon the canal, by casualty or otherwise.

4. No freight received from or destined to a point upon said road further than a line twenty miles west of the southern termination of the canal, shall be subjected to any tolls.

Should other roads be built.

§ 6. All freights carried on railroads which may hereafter be built, running from Chicago, and which may terminate in the Illinois and Michigan canal, or at any point on the Illinois river, not exceeding twenty miles south from the said termination of the Illinois and Michigan canal, shall be subjected to the same rate of tolls as the freight carried on this road, and whenever the legislature shall grant the right to any other railroad to carry freight without such tolls then these conditions in relation to tolls shall cease.

When bonus to canal shall cease.

§ 7. As soon as the state shall provide for the payment of the entire interest of the canal indebtedness registered under the act for the completion of the Illinois and Michigan canal, then the tolls herein mentioned shall cease.

Canal board to grant right of way.

§ 8. The said board of trustees, for the consideration aforesaid, shall, free of cost, grant to said company the right of way through all lands owned by them, and held in trust for the canal fund, in such manner as not to injure the navigation of the canal, and the consent of this state is

hereby given to such application of so much of said land as shall be necessary for the purposes aforesaid.

§ 9. If said board of trustees shall refuse to assent to the provisions herein made for the right of way, by the first Monday in June after the passage of this act, the said company shall have the right to build said road, and all restrictions in relation to tolls are and shall be removed.

If canal board refuse right of way.

§ 10. It shall be the duty of said railroad company to keep correct freight books, showing specifically and particularly the nature, kind and quantity of each and every description of freights carried and transported upon said road, and the place from and to which the same may be received and carried, and at the expiration of each month report to the said board of trustees a true and accurate account of all the various kinds of such freight carried, its place of receipt and destination, and to pay over the amount that may become due on account of the tolls herein provided for. The truth of said accounts shall be verified by the affidavit of the secretary, treasurer or other proper officer of the company.

Company to keep freight books.

To pay over to canal board.

§ 11. The said board of trustees, or their agent specially authorized, shall have full power and authority to examine all the books, accounts and vouchers of said corporation in relation to freights, for the purpose of ascertaining the truth of said accounts. And if said accounts so rendered shall be found false, the said corporation shall forfeit and pay to said board of trustees three times the amount withheld and not accounted for, and full power is hereby invested in any of the judges of the circuit courts of this state, in term time or vacation, upon application of said board of trustees or their agent, to appoint a proper person to make the examination aforesaid; and the person so appointed shall have the same powers to carry out the objects of his appointment as masters in chancery have in chancery cases; and upon the report of the person so appointed the said judge shall have power to make such order in the premises as he shall deem proper to carry out the provisions of this section; and power is hereby reserved to the legislature to make such rules as they may deem necessary to enforce the provisions of this section.

Canal trustees vested with power to examine acc'ts of company.

§ 12. The amount of all tolls so collected of said railroad company shall be subject to a deduction of an amount equal to the taxation provided for in the fourteenth section of this act, thereby making the amount paid by said railroad company to the canal fund equal to the whole amount of tolls collected of said company.

Tolls subject to deduction.

§ 13. The said company shall not be authorized to locate its track within the city of Chicago without the consent of the common council; nor shall it be permitted to do what is understood to be a warehouse or storage or com-

Track not to be located within Chicago limits without consent of council.

Comp'y not al- mission business, in the city of Chicago, or charge or col-
 lowed to do lect storage or commission on any property freighted on
 warehouse, &c. said road by such company, and in case of property arriv-
 business. ing on any of its trains or otherwise shall not be called for
 and removed from said cars or depot within thirty-six hours
 after its arrival and notice to the owner or consignee, it
 shall be lawful for said company to deliver the same to some
 responsible warehouse keeper, and collect from the same
 the freight and charges due ; which amount shall become a
 lien, with customary warehouse charges, upon said pro-
 perty.

§ 14. The property and stock of said railroad company
 shall be listed by the president, secretary or other proper
 officer, with the auditor of state, and shall be subject to the
 same rate of taxation as the property of individuals, and
 the revenue arising therefrom shall be paid out of the tolls
 hereinbefore provided for, into the canal fund, on or before
 the first Monday of December in each and every year, and
 shall be applied to the discharge of the canal debt, as here-
 inbefore provided in relation to tolls, and a lien upon said
 road and the appurtenances, for all taxes and dues to the
 state or canal fund, is hereby reserved, and shall have pre-
 cedence of all taxes, dues, demands, judgments and decrees
 against said corporation. The said railroad company are
 hereby prohibited from building a branch or branches from
 their road to any point east of it, for the purpose of con-
 necting with railroads that now are or may be built in the
 state of Indiana, between the termination of the Illinois
 and Michigan canal, at the Illinois river, and the city of
 Chicago.

State tax on road to be paid to canal fund.
 Company prohi- bited from con- necting with any Indiana road by a branch.

§ 15. This act shall take effect and be in force from
 and after its passage.

APPROVED Feb. 7, 1851.

In force Feb. 8,
 1851.

AN ACT to vacate a part of the town plat of Carlyle.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That all that addition to the town of Carlyle, in the county of Clinton, known as the upper town of Carlyle, situate on the south-east quarter of section thirteen, township two north, range three west, and all that part of the said town of Carlyle, known as Breese's addition, which lies north of Jefferson street and west of Sixth street, as designated on the plat of said town, being on the south-west part of section eighteen, township two north, range two west, be and the*

same is hereby vacated. And the streets, alleys, public squares of said addition, shall revert to the proprietors of the lots and lands contained within the limits of said addition; and they shall have the right to enclose the same, and to use it in the same manner as if said streets or lots had never been laid off: *Provided*, that this act shall in nowise affect or invalidate the private rights of any one owning lots or lands in the said addition; but that all such owners of lots or lands in the said additions shall have the same rights and privileges as if this act had not been passed.

APPROVED Feb. 8, 1851.

AN ACT to provide for leasing the land granted as a common to the inhabitants of the town of Prairie Du Rocher, in Randolph county, or so much of said land as it may be to the interest of the inhabitants of said town to lease, for school purposes. In force Feb. 8, 1851.

Whereas the inhabitants of Prairie Du Rocher, in the county of Randolph, are, in common, entitled to the use and benefit of certain lands, commonly known as the Prairie Du Rocher commons, by virtue of an ancient grant, recognized and confirmed by the government of the United States; and whereas the right to lease said lands, or any part of them, is granted, by the constitution of this state, to a majority of the qualified voters interested therein, and they having petitioned therefor; therefore,

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the Andre Barbean, Leon Vion, Antonie Albert, Joseph Blais, and Ambraise Kerr, citizens of the town of Prairie Du Rocher, in the county of Randolph, are hereby constituted a body corporate and politic, by the name and style of "The President and Trustees of the Commons of Prairie Du Rocher," and by that name they and their successors shall have perpetual succession and existence, with power to contract and be contracted with, to sue and be sued, to plead and be impleaded, in all actions at law and in equity, in any court of competent jurisdiction; to make and use a common seal, and to alter the same at pleasure; to adopt ordinances and by-laws not inconsistent with the constitution and laws of this state, nor of the United States; and to do and perform all other acts necessary for the proper exercise of the powers herein conferred and the regulation of the privileges hereby granted.

§ 2. The said president and trustees shall continue in office until the first Monday in April, A. D. 1853, and until their successors are elected and qualified; and on the first Monday in April, A. D. one thousand eight hundred and

fifty-three, and every two years forever thereafter, or until the time is changed by law, an election shall be held for five trustees of the commons of Prairie Du Rocher, who shall hold their office for two years, and until their successors are elected and qualified. And the said trustees shall organize, by electing one of their number president of the board, and shall appoint or elect a treasurer, as they may determine; and shall, in addition to his duties as treasurer, also perform the duties of clerk of said board. And at any meeting of said board, for the transaction of business, not less than three shall be a quorum.

Commons to be surveyed and a plat made. § 3. The president and trustees here appointed are authorized and empowered by this act to have the commons of Prairie Du Rocher, or any part thereof, surveyed and divided into such lots as, in their opinion, will seem best and most advantageous; and shall cause a plat or plats of the same to be made, showing the number of acres in each lot, and the location thereof—each lot to be also properly numbered; which plat or plats, when so made, shall be recorded in the recorder's office of Randolph county—a copy of which record, duly certified by the recorder of said county, shall be sufficient and competent evidence of the location of the lots described in said survey or surveys: *Provided*, that the said president and trustees may and are hereby authorized to set apart, for the sole use and benefit of Andre Barbean, and ——— Barbean, his wife, during their natural lives, six acres of land, most contiguous to and including the residence of said Andre Barbean on the commons aforesaid.

Commons to be leased. § 4. The said president and trustees shall then proceed to lease, at public outcry, at a suitable place, in the town of Prairie Du Rocher, any or all of the lots so surveyed, for any number of years, not exceeding ninety-nine, as, in their opinion, will best promote the interests of the inhabitants of said town, after first giving notice, for six consecutive weeks, in a newspaper printed in the county of Randolph, and such other papers as they may deem proper, and by putting up four written or printed notices, in four of the most public places in said town, of the place where and the time when said lots will publicly be offered for lease.

Lease of lots, how sold. § 5. Each lot shall be offered separately, stating the number of years for which it is proposed to be leased, and the number of acres it contains, and the same shall be struck off to the best and most responsible bidder bidding the highest amount per acre therefor, payable annually, each and every year the same is leased for, at such time as may be designated and appointed by the said president and trustees—an entry of which shall be made by the clerk of the board in a suitable and substantially bound book, to be provided for that purpose, which shall be subject to the in-

tion of any person interested. And the said president and trustees of the commons of Prairie Du Rocher shall, ^{Nature of lease.} their said president, under his hand and seal, make and execute to each lessee a deed of lease for the number of acres each lot or lots were bid off by such lessee, which deed of lease shall vest in the purchaser, his or her heirs and assigns, the full and complete possession and use of each lot or lots, for the term of years that they were so leased, conditioned for the annual payment, at such time in each year as may be designated by the said president and trustees, of the amount bid per acre by the lessee, to the said president and trustees and their successors in office, or such other person or persons as may be by them authorized to receive the same, for the use and benefit of the inhabitants of Prairie Du Rocher, to be applied to school purposes.

6. The proceeds of the lands and lots of the said commons of Prairie Du Rocher, so leased, as provided by this act, shall, after defraying the expenses attending the leasing of said lands and lots, be used and applied to the education of the children of the inhabitants of Prairie Du Rocher, and such residents as are by immemorial custom accustomed upon said commons, and the children of the lessees of said lands and lots so leased; to effect which object the said president and trustees, or their successors in office, shall rent or procure, or cause to be erected, or purchase, as in their opinion may be necessary, one or two suitable buildings, for school or schools; and they are hereby authorized to lease and hold, in their corporate capacity, one or two parcels of ground in the town of Prairie Du Rocher, for that purpose using therefor the proceeds arising from the leasing of said lands and lots; and they may further use said proceeds for the purchasing of suitable school books and stationery and a library or libraries for such school or schools, and shall employ a teacher or teachers, qualified, as required by the common school law of this state, for the instruction of the pupils in said school or schools, in which reading, writing, arithmetic, grammar, geography and other branches of education, may be taught; which teacher or teachers shall be by them paid according to such contracts and regulations as they may make and adopt, out of the proceeds arising from the leasing of said lands and lots. And the said president and trustees are hereby authorized and empowered to establish not more than two elementary schools in the town of Prairie Du Rocher, to carry out the provisions and requirements of this act.

7. The said president and trustees may meet at such times as they may fix by ordinance, and at such times as they may deem necessary; and shall provide a good and substantially bound book, in which shall be entered the pro-

Proceeds of sales, how applied.

Meetings of trustees.

ceedings of such meetings and all ordinances and by which may be by them adopted, by the clerk of said board and they shall provide another like book, for the keeping of the treasurer's accounts, in which shall be entered a full and a fair account of all receipts and expenditures of money by them received and made by virtue of this act, and they shall, at their last meeting in every year, render an account to the inhabitants of said town of Prairie Du Rocher, of all moneys by them received and expended under this act, stating the amount paid for tuition, books, stationery and library books, and the amount paid, for buildings, lots and repairs of buildings, and necessary furniture for school rooms; said account to be certified to the treasurer, in his capacity as clerk of the board, who may be allowed a reasonable compensation for his services out of the funds created by this act, and the books so kept as provided for in this section shall be open to the inspection of any person interested.

Vacancies in board of trustees. § 8. If any vacancy shall occur in the said board of trustees, by death or otherwise, the surviving or remaining trustees shall have power and are hereby authorized to fill such vacancy by appointment, the appointee to have such qualifications necessary to be eligible to such office as this act prescribed; to hold his office until the next regular election, and until his successor is elected and qualified, and such appointment to be made at a regular meeting of the board.

Trustees to receive lease money, annually. § 9. The said president and trustees, and their successors in office, shall have power to receive annually of the lessees of said lands and lots, the moneys due upon all deeds of lease by them made, and shall transmit the same to their successors in office, should there be any in their hands; and nothing in this act contained shall prevent the said president and trustees from leasing, from time to time, any of the said lands and lots, after having first offered the same for lease at public outcry.

Treasurer, to give bond. § 10. The said president and trustees of the board of Prairie Du Rocher shall require their treasurer to give bond, in such sum as they may deem proper, payable to them and their successors in office, for the use of the inhabitants of Prairie Du Rocher, with two or more good and sufficient securities, and conditioned for the faithful discharge of his duties under this act and such ordinances and by-laws as may be by them adopted, and the payment by his successor in office of all moneys that may be received in his hands, as treasurer of said board.

Superintendent of schools. § 11. The said president and trustees may appoint any of their number, or any other inhabitant of Prairie Du Rocher, as superintendent of said school or schools, who shall discharge such duties as they may require of

ordinance or by-laws, touching such lands and lots so leased, or the school fund arising therefrom, and who shall, from time to time, report to them the number of children taught in said school or schools, and also may be allowed a reasonable compensation for his services, out of the funds created by this act.

§ 12. No person shall be entitled to vote for trustees or eligible to election, unless he shall be a free white male citizen of this state, of the age of twenty-one years or upwards, and shall have resided sixty days, next preceding each election, within the limits of Prairie Du Rocher or the commons belonging to the inhabitants thereof; and the president and trustees appointed by this act, and their successors in office, shall cause six written or printed notices to be posted up, in six of the most public places in said town of Prairie Du Rocher, at least four weeks preceding every election, announcing the time and place when and where the elections provided for by the second section of this act will be held; at which election two of the trustees shall preside as judges; and said elections shall be held, as near as can be, in conformity to the election law approved February 12th, one thousand eight hundred and forty-nine, so far as it relates to the manner of voting and depositing ballots and counting and canvassing the votes; provided that said trustees, so presiding as judges, may open the polls at ten o'clock A. M., and close them at six o'clock P. M.; and a certificate of the said judges, stating who were elected as such trustees, at any election so held, shall be *prima facie* evidence of their election in the courts of this state.

§ 13. The said president and trustees are authorized to institute suits against any person or persons for trespassing upon said commons, in any court of competent jurisdiction to try the same, and also to institute suits for use and occupation of said commons, against any person or persons now in possession of any part thereof, or who may hereafter take possession of any part thereof, without leasing the same; and in all such trials it shall be competent to prove the limits, boundaries and extent of said commons by parole testimony; and any inhabitant of said town of Prairie Du Rocher, not otherwise incompetent, shall be qualified as a witness or juror under this act.

§ 14. If, at any time, the said president and trustees have any money on hand, in keeping of their treasurer, not required by them for the purposes of education or the defrayment of such expenses as they are authorized to incur and defray by the provisions of this act, they may, by ordinance, authorize the same to be loaned out, upon good and sufficient security, for any number of years, not exceeding five, at the highest rate of interest which may be allowed

Elections, of
trustees.

Trustees may
institute suits
for trespass.

Trustees may
loan surplus
funds.

by the laws of this state—the interest to be by them
plied to the purposes of education, and, together with
principal, be accounted for by them, yearly, as provided
the seventh section of this act, and transmitted to
successors in office, as provided in the ninth section of
act.

Board, when to
be organized.

§ 15. The said president and trustees shall meet
organize their board, within thirty days after the expiration
of sixty days immediately following the adjournment of
this general assembly; and this act shall be taken, considered
and construed as a public act, in all courts whatsoever.
APPROVED February 8, 1851.

In force Feb. 8,
1851.

AN ACT to vacate the town of Mount Carroll, in the county of Carroll

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That the town plat of the town of Mount Carroll, in the county of Carroll, as laid off and recorded in the recorder's office in said county, by the county commissioners of said county, be and the same is hereby declared vacated.*

§ 2. This act to be in force from and after its passage.
APPROVED February 8, 1851.

In force Feb. 8,
1851.

AN ACT to incorporate Carrollton Lodge, No. 50.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That such persons as are or may hereafter become and shall remain members of Carrollton Lodge, No. 50, of Free and Accepted Masons, at Carrollton, Greene county, Illinois, from and after the passage of this act, shall be and they are hereby constituted a body corporate and politic, by the name and style of "Carrollton Lodge, No. Fifty, of Free and Accepted Masons," and by that name they and their successors shall have succession, and shall in law be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts of law and equity whatsoever, and by name and style be capable of purchasing and receiving, by gift or otherwise, holding and conveying real estate for the benefit of said lodge: provided, that said corporation shall not at any one time own property to an amount exceeding ten thousand dollars.*

Corporation.

Powers.

Proviso.

§ 2. For the purpose of carrying into effect the objects of this act, the three highest officers of said lodge shall always be and are hereby appointed trustees, to hold their offices as such in said lodge as appointed by said lodge, and qualified from time to time. Trustees.

§ 3. The said corporation shall have power to make such by-laws and regulations as may be deemed necessary for the government of their concerns, and for the purchase and transfer of real estate. Transfer of real estate.

§ 4. A certificate, under the seal of said corporation, that the said lodge has been duly organized, recorded in the office of the clerk of the circuit court, shall be evidence of the existence and organization of said lodge. Evidence of organization.

APPROVED Feb. 8, 1851.

AN ACT to establish a ferry therein named.

In force June 1,
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Hiram J. Graham, his heirs and assigns, be and he is hereby authorized to establish and keep in operation a ferry across the Illinois river, from the town of Liverpool, in the county of Fulton, to the opposite shore in Mason county, to start from and land on either side of said river, upon the ground used or declared as public highways or public landing, on land owned by the said Graham, his heirs or assigns. Power to establish ferry.

§ 2. It shall be the duty of the said Hiram J. Graham, his heirs or assigns, to have and at all times keep on hand and ready for use good and sufficient boat or boats, furnished with persons of suitable strength and skill to ensure a safe and speedy passage at said ferry, for all persons, their goods, wares, merchandise, stock and other property; and it shall be lawful for the owner or owners of said ferry to demand and receive the same rates of ferriage as are now allowed at the ferry established at Havanna, on the Illinois river, and double those rates whenever, by reason of high water, he or they are required to ferry a distance of over half a mile; and at no time shall he or they be compelled to ferry a distance of over one mile at those double rates. Duty.

§ 3. The ferry hereby established shall be subject to demand and under the supervision of the county court of Fulton county, and regulated by the laws regulating ferries, toll-bridges and turnpike roads, so far as the same are consistent with this act, and also subject to taxation in any sum not exceeding twelve dollars per annum: one half of said tax so laid shall be paid into the treasury of Mason county, on or before the first day of January in each and every Tolls.
Supervision.
Taxation.

Forfeiture.

year after the first day of January, A. D. one thousand eight hundred and fifty-two, and the treasurer's receipt therefor shall be a sufficient voucher—and the other half of said tax shall, in like manner, be paid into the treasury of Fulton county; and no other ferry shall be established within five miles of the point aforesaid, during the existence of this charter, which shall become forfeited at any time when the conditions and requirements herein, on the part of the said Graham, his heirs or assigns, shall not be complied with, the same to be determined by the said Fulton county court, by a jury of twelve.

Acts and parts of acts repealed.

§ 4. All acts and parts of acts coming within the purview or inconsistent with this act, are and the same are hereby repealed.

Duration.

This act to be in force from and after the first day of June next, for the term of fifteen years.

APPROVED Feb. 8, 1851.

In force Feb. 8, AN ACT to establish a ferry across the Ohio river, at the town of Brooklyn in the county of Massac, Illinois.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That Thomas G. C. Davis and Charles Pell be and they are hereby authorized to establish and keep a ferry, for fifty years, across the Ohio river, from the town of Brooklyn, in the county of Massac, and state of Illinois, to the Kentucky shore.*

Ferry authorized.

§ 2. Said Davis and Pell shall cause said ferry to be furnished with a good, tight boat, sufficient for the safe transportation of all passengers, their teams, horses, cattle and other animals, as well as the goods and effects of said passengers, and said boat shall be furnished with men of suitable strength to manage the same, or with horses, at the option of the said Davis and Pell.

Mode of furnishing and managing.

§ 3. The said Davis and Pell shall be allowed to land their boat at any point on said Ohio river between lot numbered one, in said town of Brooklyn, in said county of Massac, and lot numbered thirty, in said town; and no other person or persons shall be allowed to establish any ferry within two miles above and below said above mentioned lots numbered one and thirty, so long as the said Davis and Pell shall conform to and comply with the terms and provisions contained in the second section of this act.

Landing.

§ 4. Said Davis and Pell, or their assigns or grantees, shall receive such rates of toll or ferriage as the proprietors of the ferry at Metropolis city, Massac county, Illinois, now receive for transporting passengers, horses, cattle,

Tolls.

sheep, hogs or other animals across the said Ohio river, at the said Metropolis city, and also the same rates as the said proprietors of the said Metropolis city ferry may take and receive for the transportation of all waggons, carriages and vehicles whatsoever : and when the said river shall be out of its bank on either shore, said Davis and Pell, or their grantees or assigns, shall be allowed to take and receive double the amount of the rates as aforesaid for transportation as aforesaid.

APPROVED Feb. 8, 1851.

AN ACT to establish a ferry across the Illinois river at Peru, in La Salle county. In force Feb. 10, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That* Zimri Lewis be and he is hereby authorized to have and keep a ferry across the Illinois river, at any point between the head of the island opposite Peru and the junction of the Illinois river and the Illinois and Michigan canal, with landings upon section sixteen and section twenty-one, in township thirty-three north, of range one east of the third principal meridian, during the space of twenty years from the passage of this act. Ferry authorized. Location.

§ 2. The said Zimri Lewis shall be entitled to all the privileges and immunities, and subject to all the restrictions, contained in chapter forty-two of the Revised Statutes of this state, relative to ferries and toll-bridges ; and all assessment of license charged to said ferry shall be expended and worked out by said Lewis upon the landings and roads leading to and from said ferry. Privileges and restrictions.

§ 3. Said Lewis shall be authorized to charge the rates of tolls charged upon other ferries in La Salle county. Tolls.

§ 4. The corporation of the town of Peru is hereby authorized to regulate the rates to be charged on said ferry, but not to reduce the rates below other ferries that are now or may hereafter be established in said town. Powers of corporation of Peru.

This act to be in force from and after its passage.

APPROVED Feb. 10, 1851.

In force Feb. 10, AN ACT to amend an act entitled "An act to incorporate the Peoria and Oquawka Railroad Company," approved Feb. 12, 1849.

Direction of road.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That the company incorporated under the said act to which this is an amendment, shall be required to construct said road through the towns of Farmington, Fulton county, Knoxville, in Knox county, and Monmouth, in Warren county, and they shall establish depots in each of said towns and places: Provided, however, that nothing in this act shall be construed as to prevent said company from having stations at other points or places for the reception or discharge of goods, produce, stock, or other commodities.*

Proviso.

Right of way.

§ 2. Said company are hereby authorized to acquire and hold so much of the grade and right of way of the Peoria and Warsaw railroad as they may deem necessary, and may employ and use the same in the construction of their said road, and if said grade and right of way should belong to the state of Illinois the said company may purchase the same from the governor of this state upon such terms as they shall agree upon; and such contract, if made, shall be binding upon both parties.

Organisation.

§ 3. The said company is authorized to organize and proceed in the construction of said road under the restrictions, conditions and limitations contained in said act to which this is an amendment, whenever the sum of one hundred thousand dollars is *bona fide* subscribed, and five per cent. thereof actually paid in.

Branch.

§ 4. The said company is hereby authorized to build a branch of said road, in the same manner as the main track is to be erected hereby, to commence at or west of Monmouth; from thence to the Mississippi river at or about Shokokon, in Henderson county.

Commissioners.

§ 5. The commissioners named in the act to which this is an amendment, together with Asa D. Reed, of Fulton county, Wm. J. Phelps, Rudolphus Rouse, Peter Sweat and Joshua P. Hotchkiss, of Peoria county, who are hereby made commissioners, shall exercise the same powers and duties under this act as are enjoined upon them in said former act.

Time of completion.

§ 6. The said road contemplated herein to be completed within ten years from the passage of this act.

§ 7. This act to take effect from and after its passage.

APPROVED Feb. 10, 1851.

AN ACT to incorporate the Illinois Central Railroad company.

In force Feb. 10,
1851.

Whereas, in the judgment of this general assembly, the object of incorporating the Central Railroad company cannot be attained under general laws; therefore,

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Robert Schuyler, George Griswold, Gouverneur Morris, Franklin Haven, David A. Neal, Robert Rantoul, junior, Jonathan Sturgis, George W. Ludlow, John F. A. Sanford, Henry Grinnell, William H. Aspinwall, Leroy Wiley, and Joseph W. Alsop, and all such persons as shall hereafter become stockholders in the company hereby incorporated, shall be a body politic and corporate, by the name and style of the "Illinois Central Railroad company," and under that name and style shall be capable of suing and being sued, impleading and being impleaded, defending and being defended against, in law and equity, in all courts and places whatsoever, in like manner and as fully as natural persons; may make and use a common seal, and alter or renew the same at pleasure; and by their said corporate name and style, shall be capable, in law, of contracting and being contracted with, shall be and are hereby invested with all the powers, privileges, immunities and franchises, and of acquiring, by purchase or otherwise, and of holding and conveying, real and personal estate which may be needful to carry into effect fully the purposes and objects of this act.

§ 2. The said corporation is hereby authorized and empowered to survey, locate, construct, complete, alter, maintain and operate a railroad, with one or more tracks, or lines of rails, from the southern terminus of the Illinois and Michigan canal, to a point at the city of Cairo, with a branch of the same to the city of Chicago, on Lake Michigan; and also a branch, via the city of Galena, to a point on the Mississippi river, opposite the town of Dubuque, in the state of Iowa. Construction of road.

§ 3. The said corporation shall have right of way upon, and may appropriate to its sole use and control, for the purposes contemplated herein, land, not exceeding two hundred feet in width through its entire length; may enter upon and take possession of, and use all and singular any lands, streams and materials of every kind, for the location of depots and stopping stages, for the purpose of constructing bridges, dams, embankments, excavations, station grounds, spoil banks, turn-outs, engine houses, shops and other buildings necessary for the construction, completing, altering, maintaining, preserving and complete operation of said road. All such lands, waters, materials and privileges belonging to the state, are hereby granted to said corporation for said purposes; but when owned or belonging to Right of way.

any person, company or corporation, and cannot be obtained by voluntary grant or release, the same may be taken and paid for, if any damages are awarded, in the manner provided in "An act to provide for a general system of railroad incorporations," approved November fifth, one thousand eight hundred and forty-nine; and the final decision or award shall vest in the corporation hereby created all the rights, franchises and immunities in said act contemplated and provided: *Provided*, that the appeal allowed by the provisions of the aforesaid act, approved the 5th of November, one thousand eight hundred and forty-nine, shall not effect the possession, by such company, of the land appraised, and when the appeal is made by others than the company, the same shall not be allowed, except on a stipulation of the party appealing that the said company may enter upon and use the lands described in the petition, for the uses and purposes in said petition set forth, upon said company giving bond and security, to be approved by the clerk of said court, that they will pay all costs and damages that may be awarded against said company, on the hearing of said appeal: *Provided*, that nothing in this section contained shall be so construed as to authorize the said corporation to interrupt the navigation of said streams.

Capital stock.

§ 4. The capital stock of said corporation shall be one million of dollars, which may be increased, from time to time, to any sum not exceeding the entire amount expended on account of said road, divided into shares of one hundred dollars each, which shall be deemed personal property, and may be issued and transferred in such manner and at such places as may be ordered and provided by the board of directors, who shall have power to require the payment of sums subscribed by stockholders, in such manner and on such terms as they may deem proper; and on refusal or neglect on the part of stockholders, or any of them, to make payment, on the requisition of the board of directors, the shares of such delinquents may, after thirty days' public notice, be sold at public auction, under such rules as said board of directors may adopt—the surplus money, if any remains, after deducting the payments due, with the interest and the necessary costs of sale, to be paid to such delinquent stockholders. The board of directors hereby appointed shall cause books to be opened for subscriptions to said stock, in such manner and at such time and places as they shall direct.

Exercise of corporate powers.

§ 5. All the corporate powers of said company shall be vested in and be exercised by a board of directors, and such officers and agents as they shall appoint. The board of directors shall consist of not less than twelve stockholders—three of whom shall be chosen every year by the stockholders—each share having one vote, to be given in

person or by proxy—and the governor of the state of Illinois, who shall be a director *ex officio*, perpetually, voting in person or by proxy; each director successively elected to continue in office until his successor is elected and qualified. Vacancies in the board may be filled by a vote of two thirds of the directors remaining; such appointees to continue in office until the next regular election of directors; but no person shall be so elected who shall not have been openly nominated at a meeting of the directors, at least one week before the time appointed for such election. Other officers, agents and servants, whether members of the board or otherwise, may be appointed, employed, paid and dismissed, under such rules and regulations as the board of directors may, from time to time, adopt.

§ 6. The following named persons shall constitute the first board of directors. to wit: Robert Schuyler, George Griswold, Gouverneur Morris, Franklin Haven, David A. Neal, Robert Rantoul, jr., Jonathan Sturgis, George W. Ludlow, John F. A. Sandford, Henry Grinnell, Joseph W. Alsop, Leroy Wiley, with the governor of the state of Illinois, for the time being, whose powers shall commence, and be in full force from and after the day this act shall be accepted in the manner herein provided.

First board of directors.

§ 7. The president and directors, for the time being, are hereby authorized and empowered, by themselves, their officers or agents, to execute all the powers herein granted, for the purpose of surveying, locating, constructing, completing, altering, maintaining, and operating said road and branches; and for the transportation upon the same of persons, goods, wares, and merchandise, with all such powers and authority for the control and management of the affairs of said company, as may be necessary and proper to carry into full and complete effect the meaning and intent of this act.

Power of president and directors.

§ 8. The said company shall have power to make, ordain and establish all such by-laws, rules and regulations as may be deemed expedient and necessary to fulfil the purposes and carry into effect the provisions of this act, and for the well ordering, regulating and securing the affairs, business and interests of the company: *Provided*, that the same be not repugnant to the constitution and laws of the United States or of this state, or repugnant to this act. The board of directors shall have power to establish such rates of toll for the conveyance of persons and property upon the same as they shall, from time to time, by their by-laws, direct and determine, and to levy and collect the same for the use of the said company. The transportation of persons and property, the width of track, the construction of wheels, the form and size of cars, the weight of loads, and all other matters and things respecting the use of said road, and the conveyance of passengers and property, shall be in conformity to such rules and regulations as

By-laws.

Proviso.

Tolls.

said board of directors shall from time to time determine. Nothing in this act contained shall authorize said corporation to make a location of their track within any city, without the consent of the common council of said city.

Penalty.

§ 9. If any person shall carelessly, wilfully, maliciously, or wantonly delay, hinder, or obstruct the passage of any carriage on said road or branches, or shall place, or cause to be placed, any material thereon, or in any way trespass upon, spoil, injure, or destroy said road or branches, or any part thereof, or any thing belonging or pertaining thereto, or employed or used in connection with its location, survey, construction, or management, all persons committing or aiding and abetting in the commission of such trespass or offence shall forfeit and pay to the said company treble such damages as shall be proved before any court of competent jurisdiction; and further, such offenders shall be liable to indictment in the county within whose jurisdiction the offence may be committed, and to pay a fine of not less than thirty nor more than one hundred dollars, to the use of the people of the state of Illinois, or may be imprisoned in the penitentiary for a term not exceeding five years, in the discretion of the court before whom the same shall be tried.

Power to cross streams, highways, &c.

§ 10. Said corporation may construct their said road and branches over or across any stream of water, water course, road, highway, railroad or canal, which the route of its road shall intersect, but the corporation shall restore the stream or water course, road or highway, thus intersected, to its former state, or in a sufficient manner not to have impaired its usefulness. Whenever the track of said railroad shall cross a road or highway, such road or highway may be carried under or over said track, as may be found most expedient; and in case where an embankment or cutting shall make a change in the line of such road or highway desirable, with a view to a more easy ascent or descent, the said company may take such additional lands for the construction of such roads or highway as may be deemed requisite by said corporation, unless the lands so taken shall be purchased, or voluntarily given for the purposes aforesaid. Compensation therefor shall be ascertained in the manner in this act provided, as nearly as may be, and duly made by said corporation to the owners and persons interested in such lands. The same when so taken or compensation made, to become a part of such intersecting road or highway, in such manner and by such tenure as the adjacent parts of the same highway may be held for highway purposes.

Connection with other roads.

§ 11. And when the route of the said road, or either of its branches, as provided in this act, shall intersect, cross, or connect with, or run along or upon the line of any oth-

er railroad now constructing, or now in process of construction, by any other company, the company to be formed under this act shall join with such other company in making all necessary turn-outs, sidelings and switches, and other conveniences necessary to further the objects of such connection; and when the route of any other company shall be occupied as aforesaid, just compensation shall be made to such other company for all expenditures made by them in the location of such road; and all railroads so constructed, or now in process of construction, intersected as aforesaid, and connections made with the roads authorized to be built by this act, shall be made, and facilities in the transshipment of freight and passengers, and interchange of cars afforded by each, over the respective roads, upon fair and equitable terms—and in case the said companies cannot agree upon the amount of compensation to be made therefor, or the points and manner of such crossings and connections, the transshipment of freight and passengers, and interchange of cars, the same shall be ascertained and determined by three commissioners, one to be chosen by each of said companies, and the two so chosen to choose a third, and in case they cannot agree upon the choice of the third person, he shall be appointed by the judge of the district court of the United States for the district of Illinois; and the decision of the three, when so chosen, shall be final: *Provided*, that this corporation shall not take and run on the road or line of any such company which is now being constructed without the consent and agreement of the company whose road or line is proposed so to be used.

§ 12. Every conductor, baggage master, engineer, brakeman, or other servant of said corporation employed in a passenger train, or at stations for passengers, shall wear upon his hat or cap, a badge which shall indicate his office, the initial letters or style of the corporation. No conductor or collector without such badge shall demand or be entitled to receive from any passenger any fare, toll or ticket, or exercise any of the powers of his office, and no other of said officers or servants, without such badge, shall have any authority to meddle or interfere with any passenger, his baggage or property. In forming passenger trains, baggage, or freight, or merchandise, or lumber cars shall not be placed in rear of passenger cars; and if they, or any of them, shall be so placed, and any accident shall happen to life or limb, the officer or agent who so directed or knowingly suffered such arrangement, and the conductor or engineer of the train, shall each and all be held guilty of a misdemeanor, and be punished accordingly.

§ 13. A bell of at least thirty pounds weight, or a steam whistle, shall be placed on each locomotive engine, and shall be rung or whistled at the distance of at least eighty

Provide.

Conductors of trains.

Mode of forming trains.

Precaution against accidents at crossings.

rods from the place where the said road shall cross any road or street, and be kept ringing or whistling at intervals, until it shall have crossed said road or street, under a penalty of fifty dollars for every neglect, to be paid by said corporation, one half thereof to go to the informer, and the other half to the state, and to be liable for all damages which shall be sustained by any person by reason of such neglect. Said corporation shall cause boards to be placed, well supported by posts or otherwise, and constantly maintained across each public road or street where the same is crossed by the railroad, on such elevation as not to obstruct the travel, and to be easily seen by travellers, and on each side of said board shall be painted in capital letters, of at least the size of nine inches each, the words: "*Railroad crossing! Look out for the cars.*" But this provision shall not apply to streets or cities, or villages, unless the corporation be required to put up such boards by the officers having charge of such streets.

§ 14. Said corporation shall, within a reasonable time after said road and branches shall have been located, cause to be made a map and profile thereof, and of the land taken and obtained for the use of such road and branches, and file the same in the office of the secretary of state, and also like maps of the parts thereof located in the different counties through which the same may pass, and cause the same to be recorded in the office for recording deeds in the county in which said parts of said road and branches shall lie.

§ 15. For the purpose of securing the construction of said road and branches, the right of way, and all the lands which may be selected along the lines of said road and branches within this state, under the grant made by the government of the United States to the state of Illinois, by virtue of "An act granting the right of way, and making a grant of land to the states of Illinois, Mississippi and Alabama, in aid of the construction of a railroad from Chicago to Mobile," passed September twentieth (20,) eighteen hundred and fifty (1850;) and also the right of way which the state of Illinois has heretofore obtained along and on the line of said railroad and branches, as heretofore located and surveyed, for the uses of the same, as well as the lot of ground obtained by the state within the city of Cairo, for a depot, and all the grading, embankments, excavations, surveys, work, materials, personal property, profiles, plats, and papers, constructed, procured, furnished, and done by or in behalf of the state of Illinois, for or on account of said road and branches, also the right of way over and through lands owned by the state, are hereby ceded and granted to said corporation, for the only and sole purpose of surveying, locating, constructing, completing,

Profile of road
and branches.

Grant of land
and right of
way.

altering, maintaining and operating said road and branches, as in this act provided, and in the manner following—that is to say: Immediately upon the organization of said company, and the presentation to the governor of the state of Illinois of a certificate, signed by the corporators hereinbefore named, and duly acknowledged, accepting of this act of incorporation, and certifying to the due organization of said corporation—to the subscription to the capital stock thereof by the corporators hereinbefore named and their associates, of the sum of one million of dollars, and the *bona fide* payment of twenty per cent. thereon to the treasurer of said company, verified by the affidavits of the president and treasurer of said company; (which said certificate shall be filed in the office of the secretary of state,) and after three hundred thousand dollars of registered canal bonds or funded internal improvement bonds of the state of Illinois, or two hundred thousand dollars in specie, or two hundred thousand dollars of six per cent. United States stock, shall have been by the said corporation deposited with the treasurer of the state of Illinois, which shall be safely preserved and kept in the treasury of said state, upon the faith of the same, to be returned to or paid over to the said corporation, upon the full completion and operation of fifty miles of said railroad, by the said corporation, according to the provisions of their said charter, the said governor of the state of Illinois shall, in his official capacity, and in behalf of the state of Illinois, and under the great seal thereof, execute and deliver to the said company a deed, in fee simple, of all said lands granted by the government of the United States, under the act of congress aforesaid, said depot lot at Cairo, right of way, grading, embankment, excavation, surveys, work, materials, profiles, plats and papers, hereinafter described and set forth, or in any way appertaining to said road and branches: *Provided*, that said company shall, simultaneously with the execution of said deed by said governor, execute a deed of trust to the persons and for the purposes hereinafter named and expressed: *And provided, further*, that the deed in fee simple to be executed by the governor, as aforesaid, shall recite, at full length, the act of congress aforesaid, this act and the deed of trust aforesaid. Said deed of trust shall be executed to Morris Ketchum, John Moore and Samuel D. Lockwood, as trustees, and shall include and convey to said trustees and their successors, every thing included and conveyed in and by said deed in fee simple, and in addition thereto the railroad or railroads which may be built upon or along said track or tracks, line or lines, and materials for the construction thereof, with all and singular the buildings, shops, engine houses, turn-outs, stations and real estate, of every nature and description, belonging or to belong to

Conveyance to company.

Proviso.

Deed of trust.

or in anywise appertaining or to appertain to said road and branches, for the uses, trusts and purposes following, that is to say :

Lien secured to the state of Illinois.

First. To secure and guarantee to the state of Illinois the first and prior lien on every thing conveyed by said deed of trust, of every name, character and description, for security, as follows: *Firstly*—The constructing, completing and furnishing said road and branches, in the manner and time and upon conditions in this act provided. *Secondly*—For the faithful application of all money or property arising from the sale of lands, or obtained upon the faith of the same, as hereafter authorized, to the constructing, completing, equipping and furnishing said road and branches, in accordance with the terms of this act and said act of congress. *Thirdly*—The indemnification of the state of Illinois against all and every claim of the United States government, for proceeds of sale of lands made by said company, under the provisions of this act, in the event said road and branches shall not be completed, as required by the act of congress above referred to. *Fourthly*—The lien hereby created shall take and have precedence of all demands, incumbrances, mortgages, bonds, judgments and decrees, against said corporation or said property, except so far as the absolute power of selling said lands, or any portion thereof, is herein provided for: *Provided*, that in case fifty miles of the said road shall not be constructed, according to the provisions of this act, within two years, from and after the date of the organization of the company, under the same, the bonds or money herein provided to be deposited with the treasurer of the state of Illinois, shall become forfeited to and become the property of the said state, subject to the disposition of the legislature thereof.

Possession of tracks, lines, &c.

Second. That on its organization, said company may enter upon, take and receive possession of the said tracks or lines, for the purpose of surveying, locating, working and constructing said road and branches, with the right of way, land, grading, embankments, excavations, surveys, work, materials, property, profiles, plats and papers aforesaid, to be occupied, used, and employed for the purposes contemplated by this act, under whosoever control the same may be.

Construction of road within six years.

Third. That said company shall proceed to locate, survey and lay out, construct and complete said road and branches, through the entire length thereof—the main trunk thereof, or central line, to run from the city of Cairo to the southern termination of the Illinois and Michigan canal, passing not more than five miles from the north-east corner of township twenty-one north, range two east of the third principal meridian, and no where departing more than seventeen miles from a straight line between said city of Cairo

and said southern termination of said canal, with a branch running from the last mentioned point, upon the most eligible route, to the city of Galena; thence to a point on the Mississippi river, opposite the city of Dubuque, in the state of Iowa; with a branch also diverging from the main track at a point not north of the parallel of thirty-nine and a half degrees north latitude, and running on the most eligible route into the city of Chicago, on Lake Michigan. That the central road or main track shall be completed, with at least one line of rails, or single track, with the necessary turn-outs, stations, equipments and furnishings, within four years from the date of the execution of said deed of trust, and the branches within six years from the said date. Said roads to be made equal, in all respects, to the road leading from Boston to Albany, usually known as the Great Western Railway, with such improvements as experience shall have shown to be expedient—the central or main line to be first commenced, and be continued to completion.

Fourth. A portion of said lands so conveyed to said trustees, not exceeding one fourth part thereof in value, to be designated by said company, shall be held by said trustees, free from all incumbrances, for purposes of sale, from time to time, on the requisition of said company, for the purpose of raising funds for the payment of interest on loans, in case of deficiency from other sources, and for such expenditures as the exigencies of the business of the company may require; *Provided*, that no portion of said fourth part of said lands shall be sold until said road and branches shall have been surveyed and located, and the work actually commenced on the main road: *Provided, further*, that no portion of said lands so held by the said trustees, free from all incumbrance for said purposes, shall be sold or offered for sale until the said trustees shall be satisfied that a sum of money has been actually expended upon the construction of a section of at least fifty miles of said road, adjacent to said lands, equal in amount to the sum of money to be raised from the sale of such portion of said lands, or until a section of at least fifty miles of said road, adjacent to said lands, shall have been completed—when the lands on said section will be sold—and so on till the said road and branches shall be completed.

Fifth. For the purpose of raising funds from time to time, for the construction and completion of said road and branches, and the purchase of iron and other materials to be used thereon, said company may issue its bonds, countersigned by the said trustees, in sums of not less than five hundred nor more than one thousand dollars each, at rates of interest not higher than seven per cent. per annum, payable semi-annually; the principal of said bonds payable in the year one thousand eight hundred and seventy-five, or

Part of land to be held from incumbrance.

Bonds.

sooner, at the pleasure of the company, at such place as it shall designate. The payment of said bonds shall be secured by the deed of trust aforesaid, of said lands, roads, and materials as hereinbefore provided; subject, nevertheless, to the prior lien of the state upon said lands and property, hereinbefore provided for; which said prior lien shall be referred to and recited in said bonds, so to be issued by said company: *Provided*, that the faith of the state is in no-wise pledged for the redemption of said bonds to any extent.

Sale of lands.

§ 16. When the said company shall have completed, and put in running order, fifty miles of said road, the said trustees, on the requisition of said company, may proceed to sell the lands lying along and adjacent to such section so completed, (and not reserved free from all incumbrances as aforesaid,) in such manner as the company may direct. Said lands shall be sold for cash in hand, or the bonds of said company at par. All bonds received on such sales shall be cancelled by said trustees, and delivered to said company. The trustees shall invest all money received on such sales in the bonds of the company, which shall be, in like manner, cancelled and returned. On cancelling said bonds, and before returning them to the company, said trustees shall make a brief memorandum on each bond, specifying for or on what particular tract or tracts of land the same was received. On making such sales, and receiving the price of such lands in money or bonds as aforesaid, said trustees shall convey such tracts, by an absolute title in *fee simple*, to the purchasers; which conveyance shall operate as a release or an acquittance of the particular tract or tracts so sold, from all liability or encumbrance on account of said bonds, so specified in the preceding section, so as to vest in the purchasers a complete and indefeasible title. Before any sales shall be made of any of said lands, the said trustees shall make a complete record, describing each and every tract of land selected under said act of congress, a copy of which record shall be filed in the office of the auditor of this state; and as sales of lands are made, as provided herein, from time to time, the said trustees shall make and keep a record as aforesaid of every and each tract of land so sold, together with the name of the person to whom, and the price for which the same was sold. A copy of which record of sales shall be filed in said auditor's office semi-annually.

Limitation of sales.

§ 17. The trustees shall not, at any time during the construction of said road and branches, sell or dispose of lands to an amount exceeding the sum which shall then have actually been expended upon the said work, but may, at the request of the company, sell as the work progresses, so as to meet expenditures actually made on the sections of road completed, as far as the receipts from said sales may go to-

wards their liquidation. And all lands remaining unsold at the expiration of ten years after the completion of said road and branches, shall be offered at public sale, annually, until the whole is disposed of, and the avails applied to the payment of the outstanding bonds of the company as aforesaid; or, if no such bonds be outstanding, said avails shall be paid to said company.

§ 18. In consideration of the grants, privileges and franchises herein conferred upon said company for the purposes aforesaid, the said company shall, on the first Mondays of December and June, in each year, pay into the treasury of the state of Illinois five per centum on the gross or total proceeds, receipts, or income derived from said road and branches, for the six months then next preceding. The first payment of such per centage on the main trunk of said road to commence four years from the date of said deed of trust, and on the branches, six years from the date aforesaid, unless said road and branches are sooner completed, then from the date of completion. And for the purpose of ascertaining the proceeds, receipts or income aforesaid, an accurate account shall be kept by said company, a copy whereof shall be furnished to the governor of the state of Illinois; the truth of which account shall be verified by the affidavits of the treasurer and secretary of such company. And for the purpose of verifying and ascertaining the accuracy of such account, full power is hereby vested in the governor of the state of Illinois, or any other person by law appointed, to examine the books and papers of said corporation, and to examine, under oath, the officers, agents and employees of said company, and other persons. And if any person, so examined by the governor or other authority, shall, knowingly and wilfully, swear falsely, or if the officers making such affidavits shall, knowingly and wilfully, swear falsely, every such person shall be subject to the pains and penalties of perjury.

Payments into
the treasury.

§ 19. The selection of lands provided for in the act of congress making the grant hereinbefore specified, shall be made by said company, or such agents as it may designate, under the appointment of the governor of this state, subject to the approval in said act specified. Said selection, as well as the survey, location, and completion of said road and branches, and the compensation of such trustees, shall be at the cost and charge of said company, without charge of any kind upon the treasury of the state of Illinois. Said road and branches to be free for the use of the United States, and to be employed by the post office department as provided in said act of congress.

Selection of
lands.

§ 20. In case of the death, resignation, removal, or inability to act, of either or all of said trustees, the vacancy

Vacancies of
trustees.

or vacancies shall be filled by the governor of the state of Illinois and said company, alternately; the governor filling the first vacancy that may occur.

Power of corporate authorities of cities.

§ 21. The corporate authorities of any city or cities on the line of said road or branches, or at either terminus thereof, or any owner or owners of property in any such city, or any association of citizens duly authorized by any such corporation, shall have power to lay down or construct a track or railroad along any of the streets of any such cities, for the purpose of conveying property to and from said railroad, which may be consigned to any of the warehousemen, in any of said cities, that said track or railroad (under the direction of said company,) may intersect the track of said railroad company at or near the main depot in said cities, respectively; and said company shall, at all times, permit the owners or consignees of property in such cities to take the cars containing the property to them consigned, to their respective warehouses upon said track: *Provided*, that any car so taken shall be returned without any unnecessary delay: *And provided, further*, that whenever it shall be necessary, for the convenience of the public, or persons receiving or sending property by said railroad, the said company shall permit side tracks to intersect their main road at any depot on or along the line of said road; and that such persons shall be entitled to have any property taken from such side tracks, under the directions and regulations of said company, without unreasonable delay; and for the non-performance by said company of any act of this proviso required to be done, said company shall forfeit and pay to the party aggrieved the sum of fifty dollars, in each case, to be recovered in an action of debt, before any justice of the peace, or any court having jurisdiction thereof.

Proviso.

Lands to be exempt from taxation until sold and conveyed.

§ 22. The lands selected under said act of congress, and hereby authorized to be conveyed, shall be exempt from all taxation under the laws of this state, until sold and conveyed by said corporation or trustees, and the other stock, property and effects of said company shall be in like manner exempt from taxation for the term of six years from the passage of this act. After the expiration of six years, the stock, property and assets belonging to said company shall be listed by the president, secretary, or other officer, with the auditor of state, and an annual tax for state purposes shall be assessed by the auditor upon all the property and assets of every name, kind and description belonging to said corporation. Whenever the taxes levied for state purposes shall exceed three-fourths of one per centum per annum, such excess shall be deducted from the gross proceeds or income herein required to be paid by said corporation to the state, and the said corporation is hereby

Stock and other property to be taxable after six years.

exempted from all taxation of every kind, except as herein provided for. The revenue arising from said taxation, and the said five per cent. of gross or total proceeds, receipts or income aforesaid, shall be paid into the state treasury in money, and applied to the payment of interest-paying state indebtedness, until the extinction thereof: *Provided*, in case the five per cent. provided to be paid into the state treasury, and the state taxes to be paid by the corporation, do not amount to seven per cent. of the gross or total proceeds, receipts or income, then the said company shall pay into the state treasury the difference, so as to make the whole amount paid equal at least to seven per cent. of the gross receipts of said corporation.

§ 23. This act and all grants herein contained, shall cease and be void, unless accepted by said company within sixty days after the passage of this act; and immediately on such acceptance, made in manner above provided, the deed in fee simple, and the deed of trust aforesaid, shall be made as above provided. All the grants herein contained shall cease and be void unless said road and branches be surveyed and located, and work on the main trunk actually begun, before the first day of January, 1852.

Acceptance of
this act.

§ 24. The state shall have a prior lien upon said road and branches, and all the appurtenances and stock thereof, for all penalties, taxes and dues, which may accrue to the state from said corporation, as herein provided; which lien of the state shall take precedence of all demands, judgments or decrees against said corporation.

Prior lien of the
state.

§ 25. That each and every person, who, on the twentieth day of September, one thousand eight hundred and fifty, was the owner of any improvements made previous to that date, on any lot of land conveyed to the said company, and who became such owner with a view to a residence on, or occupation of such lot of land for agricultural purposes, shall have the right to purchase, at not exceeding two dollars and fifty cents per acre, a quantity of the lot so owned, to be bounded by the legal subdivisions, not exceeding one quarter section, to consist of the quarter quarter, half quarter or quarter section, which will include the improvement aforesaid: *Provided*, that any person claiming the right to purchase under the provisions of this act, shall, within three months from the date of selecting the lands, file in the clerk's office of the circuit court of the county in which the land claimed is situated, a notice to the said trustees and corporation, of his, her or their claims, describing the land by its numbers, accompanied with an affidavit, stating the date and object of the improvement, the time and manner when and how he, she or they, became the owner thereof, and also the affidavits of at least two residents of the coun-

Pre-emption.

Proviso.

Farther proviso. ty, proving the facts in relation to such claim : *And provided, further,* that the right of way upon and across any lot of land sold under the provisions of this section, not exceeding two hundred feet in width, shall be reserved and retained for the passage of the road, as the same may be located and constructed, and any person claiming the right to purchase as aforesaid, shall, within twelve months from the date of commencing work on the road within the county in which the land is situated, pay the said trustees or the corporation the consideration money for the land claimed ; which payment shall entitle him, her or them, to a deed conveying an estate in fee ; but in case of failure to make such payment, the right to make the purchase shall cease. When two or more persons claim the right to purchase the same lot of land, and file the proof of ownership as herein required, the person proving the first residence by himself, or those under whom he claims the improvement, shall have the right to make the purchase, but no sale or conveyance of any lot of land under the provisions of this section shall effect the rights or equities of parties claiming the same, as between each other.

Failure to accept provisions of act. § 26. In case the persons incorporated by this act shall fail or neglect to accept the provisions of the same, and comply with its conditions within the time and in the manner herein prescribed, then the same may be accepted by any other company which shall be approved of by the governor, auditor and treasurer of this state ; who, upon complying with the terms and conditions of this act, shall be vested with all the rights, powers and immunities conferred upon the corporators herein named, and shall be subject to all the liabilities in the said act set forth, in as full, ample and complete a manner as if their names were inserted as corporators in this act.

Act to be deemed public. § 27. This act shall be deemed a public act, and shall be favorably construed for all purposes therein expressed, and declared in all courts and places whatsoever, and shall be in force from and after its passage.

APPROVED Feb. 10, 1851.

AN ACT for the relief of William C. Kinney.

In force Feb. 10,
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the N. E. 4 of Sec. 24, T. 1 N., R. 8 west, containing 160 acres; also W. side of Sec. 19, T. 1 N., R. 7 W., containing ten acres, in St. Clair county, be and the same are hereby released and discharged from the operation of the lien acquired by the state by virtue of a sale and purchase made by the state on the 28th day of March, A. D. 1846, upon an execution in favor of the people of the state of Illinois, and against William Kinney, deceased.

Release from
lien.

§ 2. That the governor of the state be and he is hereby authorized and empowered, upon the payment to him by the said William C. Kinney, his executors, administrators or assigns, of the balance due upon said debt, and the interest accruing thereon, in one year after the expiration of an act, approved February 11, 1847, for the relief of the heirs of William Kinney, deceased, to release, discharge and transfer all rights, title, interest or claim which the state may have in and to the lands, by virtue of the sale and purchase mentioned in this act.

Discharge.

APPROVED February 10, 1851.

AN ACT entitled an act to extend the Alton and Sangamon Railroad company, incorporated February 27, 1847.

In force Feb. 11,
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the Alton and Sangamon Railroad company, incorporated by an act entitled "An act to construct a railroad from Alton, in Madison county, to Springfield, in Sangamon county," approved February 27, 1847, be and are hereby authorized to extend their said railroad, and to construct an extension of the same from Springfield, in Sangamon county, (upon the most eligible route) to Bloomington, in McLean county, and for the purposes of such extension said Alton and Sangamon Railroad company shall be and are hereby declared to possess all the powers, and be subject to all the restrictions, contained in the original act of incorporation, and the acts amendatory of the same.

Extension of
road author-
ized.

Powers.

§ 2. The said Alton and Sangamon Railroad company, for the purposes of carrying into effect the provisions of the foregoing section, shall have power to increase their capital stock not exceeding one million of dollars.

Increase of cap-
ital stock.

Commencement
of extension.

§ 3. Unless said extension shall be commenced within two years and completed within six years from the passage of this act, the benefits and provisions of this amendatory act shall be forfeited.

APPROVED February 11, 1851.

In force Feb. 11, 1851. AN ACT to incorporate the Mount Carroll Mutual Manufacturing and Hydraulic company.

Corporation. SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That John Rinewalt and Nathaniel Halderman, of Carroll county, and their successors in office, be and they are hereby constituted a body politic and corporate, by the name and style of the "Mount Carroll Mutual Manufacturing company," and by that name and style they and their successors shall have perpetual succession.

General powers. § 2. The said corporation shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, in all the courts of this state, and they may have a common seal, and alter and change the same at pleasure.

Real estate. § 3. The said corporation shall be capable of purchasing and holding any real and personal estate necessary to promote the objects of said corporation, and of conveying said real estate at pleasure; provided that they shall not at any one time hold more than six hundred and forty acres of land.

Capital stock. § 4. The capital stock of said company shall be forty thousand dollars, divided into four hundred shares of one hundred dollars each, but the said corporation shall have power to increase their said capital stock to any sum not exceeding two hundred thousand dollars.

Exclusive privilege of subscribing stock. § 5. The said John Rinewalt and Nathaniel Halderman shall have the exclusive privilege of subscribing for the whole amount of the capital stock of said corporation: *Provided*, that said privilege shall not extend to any increase of the said capital stock as provided in section fourth of this act.

Proviso. Shares to be transferable. § 6. The shares in said corporation shall be deemed personal property, and shall be transferred as such, but no transfer shall be valid until registered in a book to be kept by the company for that purpose; and the said John Rinewalt and Nathaniel Halderman shall respectively have the right to sell or transfer their respective shares, or any part thereof, in the said corporation. No sale or transfer of any

share or shares shall be valid until all calls due have been paid.

§ 7. The said John Rinewalt and Nathaniel Halderman are hereby constituted the directors of said corporation, and they shall hold their said offices respectively until they or either of them shall have transferred one fourth part of the shares of the capital stock of said company. Directors.

§ 8. Whenever one fourth part of the shares of the capital stock of said company shall have been transferred, it shall be the duty of the directors of said company to call a meeting of the shareholders, for the purpose of electing a treasurer, clerk and three directors, by giving notice in some public newspaper thirty days previously—such notice specifying the time and place of such meeting. Every shareholder shall be entitled at such meeting, and at all other meetings of the stockholders, to one vote for each share he, she or they may own at the time, and such vote may be given by proxy. All the elections by the stockholders shall be by ballot. Election of officers.

§ 9. The said directors, or one of them, shall be present, shall be inspectors or inspector of said election, and shall furnish to the persons elected a certificate of election, which certificate shall be conclusive evidence thereof: and the directors so elected shall, within ten days thereafter, proceed to choose one of their number as president. The treasurer so elected, and other officers of the corporation, shall, before entering on their offices, give bond, with security, as the directors may deem necessary, for the faithful performance of their official duties, with such conditions as the directors shall prescribe. Inspectors of election.
Treasurer.

§ 10. The time for the annual meeting for the election of directors, treasurer and clerk shall be the first Monday of the month in which the first election of said officers shall happen, as hereinbefore provided, and notice thereof shall be given in some newspaper thirty days previously: *Provided*, that an omission to hold such annual meeting, or to elect any officer of said company, shall not work a forfeiture of their charter, or a dissolution of said corporation. Time of annual meeting.

§ 11. Any vacancies in the office of treasurer or clerk may be filled by appointment by the directors, to continue until the next annual meeting for the election of officers, and until a successor is elected and qualified. Vacancies.

§ 12. The said corporation may own the merchant flouring mill, and the water and steam power thereunto belonging, located near the town of Mount Carroll, in Carroll county, with such other improvements belonging thereto, and have power and are authorized to carry on the manufacturing of flour, wool, cotton, hemp, machinery, iron, lumber and for any other species of manufactures they may think proper, to establish and to erect all necessary build- Corporation may own flouring mill.

ings and machinery for the prosecution of the same, and give and receive promissory notes in the transaction of the legitimate business of the corporation, and to do and perform all necessary acts as natural persons.

Basin. § 13. The said corporation shall have power and are hereby authorized to purchase land sufficient in the town of Mount Carroll, or near thereto, to erect thereon a "basin or reservoir," of sufficient size to supply the inhabitants thereof with water, and shall have the power of using the streets and alleys in said town for the purpose of laying pipes to convey the water from said reservoir to any and all the inhabitants in said town, and to erect the necessary machinery to pump, throw or force the water into said reservoir.

Instalments of capital stock. § 14. After the election of officers, as provided for in the foregoing section, the president and directors, or a majority of them, shall have power to call in the capital stock of said company from time to time, in such instalments as they may deem best for the interest of the company, subject to such forfeitures as shall be prescribed by the said board of directors.

Bonds and loan of money. § 15. In order to facilitate the business operations of said company, the directors shall be authorized to obtain any sum or sums of money, on their bonds or other evidences of debt, to the amount of stock actually subscribed, and at no time shall the debts of the company exceed the amount of their capital stock. The shareholders shall be liable to the creditors in their private property, to an amount equal to the stock held by them after the corporate property shall be exhausted.

Commencement of operations. § 16. This act shall take effect from and after its passage, and the corporation shall commence operations within four years after the passage of this act. The directors shall have power to make such by-laws, rules and regulations as may be deemed expedient and proper for the well ordering of the affairs of said corporation, not repugnant to the laws of this state or of the United States.

By-laws. § 17. In case of the death of either or both of the said John Rinewalt and Nathaniel Halderman before an election shall have been held, as provided for in the eighth section of this act, the heirs, executors or administrators of the said John Rinewalt and Nathaniel Halderman shall be the directors of said company, and all the rights, privileges and duties conferred and enjoined by this act on said John Rinewalt and Nathaniel Halderman are hereby conferred and enjoined on the said heirs, executors or administrators.

Vacancies by death. § 18. All bonds and deeds in the purchase of real estate by the directors shall be executed to the president and directors of said company, and their successors in office, in trust for the stockholders of said company, and all convey-

Bonds, how executed.

ances of real estate made by said corporation shall be made by the president and a majority of the directors of said company.

§ 19. The legislature hereby reserves to itself the right to repeal, alter or amend this charter if the public good shall require it.

APPROVED Feb'y 11, 1851.

AN ACT for the relief of Thomas Corr.

In force Feb. 11, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Thomas Corr, of the county of Macoupin, and state of Illinois, be and he is hereby released from the recognizance entered into by him as the security of James H. Hall, in the case of the people of the state of Illinois against said Hall, and upon which said recognizance *scire facias* has been awarded against said Corr, and is now pending and undetermined in the circuit court of the said county of Macoupin; and said Corr is hereby authorized to plead this act in bar of any further proceedings on said recognizance: *Provided*, that said Corr shall pay all costs that have accrued in proceedings heretofore had upon said recognizance.

Released from
recognizance.

§ 2. This act to be in force from and after its passage.

APPROVED February 11, 1851.

AN ACT for the relief of the surety of Andrew Magee.

In force Feb. 11, 1851.

Whereas Usher F. Linder did, on the thirtieth day of April, one thousand eight hundred and fifty, enter into a recognizance in the circuit court of Coles county, Illinois, for the appearance of one Andrew Magee, charged by indictment in said court with the crime of larceny; and whereas the said Magee failed to appear according to the condition of the said recognizance, whereby the same has become forfeited; and whereas the said Usher F. Linder has made every effort in his power to seize and surrender the said Magee; therefore,

Preamble.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the said Usher F. Linder, surety of the said Andrew Magee, on the recognizance aforesaid, be and he is hereby released

Discharge of
surety from re-
cognizance.

and forever discharged from all and every liability whatever upon the said recognizance.

Principal not to be discharged. § 2. This act shall in nowise operate as a release of the said principal.

§ 3. This act to take effect from and after its passage.

APPROVED Feb. 11, 1851.

In force Feb. 12, 1851. AN ACT for the improvement of a part of the Illinois river, and for hydraulic purposes.

Corporation. SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That William Hickling, Lorenzo Leland, William H. Price, William H. W. Cushman, David Green, Bronson Murray, Benjamin T. Phelps, Benjamin F. Lamb and William Clayton, of La Salle county, in the state of Illinois, and their successors, shall be and are hereby constituted and declared a body corporate and politic, under the corporate name of "The River Board," and by that name may sue and be sued, contract and be contracted with, buy, hold, and sell property, real and personal, make and use a common seal, and alter or amend the same at pleasure, and plead and be impleaded in all courts and places whatsoever.*

Board of corporators. § 2. Each of said corporators, and their successors, before entering upon his duties as a member of the river board, shall execute a bond, payable to the people of the state of Illinois in the penal sum of four thousand dollars, conditioned for the faithful performance of his duties as such, with at least two sureties, to be approved by the judge of the county court of said county, and shall file the same in the office of the clerk of the circuit court of said county, and make oath before said clerk that he will faithfully and honestly discharge his duties as a member of the river board, to the best of his understanding and ability; which oath shall be indorsed by such clerk upon said bond. Such bond may be sued for the use of any person injured by the breach thereof, in the same manner as is now provided by law in relation to sheriffs' bonds, and the same proceedings may be had in all respects, as near as may be. If any one or more of the persons named in the first section of this act shall neglect to qualify as required in this section, on or before the tenth day of March next, his place as a member of the river board shall be deemed vacant.

Vacancies. § 3. When any vacancy shall occur in the river board, by death, resignation, neglect to qualify, removal from La Salle county, by any member thereof, or from any other cause, such vacancy shall be filled by the remaining mem-

bers of the river board, by the appointment of some freeholder, residing in La Salle county, as his successor, by an order on the books of the river board, but no such order shall be made without the concurrence of five members voting therefor, and the names of such five shall be recited in such order. Every person so appointed shall qualify in the manner required in the second section of this act, within twenty days after such appointment, otherwise such place shall be deemed vacant, and filled accordingly.

§ 4. No person shall be a member of the river board Residence. unless his residence be in said La Salle county.

§ 5. The river board shall appoint a president, secretary, treasurer and superintendent and such other officers Officers. and agents as they may think proper, and may prescribe the duties, powers and compensation thereof, and make such by-laws as they think proper, and may require such officers or agents severally to take an oath faithfully and honestly to perform their duties, and to give bond and security as said board may think proper.

§ 6. The river board is hereby authorized and required Object of corporation. to improve the navigation of the Illinois river, from the mouth of the little Vermilion, in said county of La Salle, to the mouth of Fox river, so as to admit the easy passage of steamboats at all ordinary stages of water, and to that end to construct a dam and lock (or dams and locks) on said Illinois river, and such other devices as they may deem necessary.

§ 7. The river board is also authorized, by means of Further objects. such dam or dams across said Illinois river, and in connection therewith to create water power and establish and construct such site or sites for manufacturing, hydraulic or mechanical purposes as they may deem expedient, and lease the same in parts and portions, or otherwise; but for the purposes of this section the river board shall not take private property without the consent of the owner, nor shall it be lawful for any owner or owners of lands, adjacent to any pool made by any such dam constructed by said board, to draw water from the same, without first paying to said board a just compensation for the use of the same; and should any such person or persons be unable to agree with the river board in that behalf, he, she or they may enforce their equitable rights in that behalf by bill in chancery, and the court, after a full investigation of the matter, by the appointment of commissioners, or otherwise, shall make such final decree (not detrimental to the said navigation) as shall seem just, having due regard to the equities of the river board, as owners of such dam, and the equities of such other party as owner of such adjacent land, Right of using private property.

§ 8. When it shall be deemed necessary by the river board, for the purposes set forth in the sixth section of this act, to use, occupy or affect any lands, lots, or water privi-

lege of any other person or persons, it shall be lawful for the river board to appropriate, use, occupy or affect the same, on payment of a just compensation to the owner or owners thereof; and should said board be unable to agree with such owner or owners in that behalf, it shall be lawful for the river board to enforce this right by a suit in chancery, and the circuit court as a court of chancery shall have full jurisdiction in the premises, and (by the appointment of commissioners, or otherwise,) shall set apart such lands as may appear to be necessary for the river board to use, occupy or affect as aforesaid, and ascertain (by the appointment of appraisers, or otherwise,) what amount should be paid to such owner or owners, and, by a final decree, shall settle and fix the terms and conditions on which the river board shall be permitted to use, occupy or affect any such parcel or parcels of land or water privilege, and enforce the same. Such court may establish such rules of practice for cases arising under this act, as may seem just. For the purposes of proceeding under this act, the courts of chancery shall be deemed always open, and such court may fix by order the return day of any summons in such cases. The issues shall be summarily formed, the proofs taken with all reasonable despatch, under the direction of the court, and the matter determined as soon as may be.

Commencement
of work.

§ 9. Unless the river board commence said work within one year and six months from the passage of this act, all rights herein granted to said board to use, occupy or affect private property without the consent of the owner thereof, shall cease.

Tolls.

§ 10. The river board may establish and regulate a tariff of tolls to be paid for transportation upon such pool or pools, or through such lock or locks, and collect the same, and from time to time make and establish such reasonable by-laws and regulations in relation to the collection of tolls, the conduct of boats and rafts, and the general police of said navigation, as may be found necessary, and enforce the same: *Provided*, that no more tolls shall be levied than may be necessary (together with the net proceeds of the water power and hydraulic sites let by said board) to pay the current expense of letting boats through and keeping the work in repair and in operation.

Loan of money.

§ 11. The river board is hereby authorized to borrow, for the purposes of this act, any sum or sums of money, not exceeding fifty thousand dollars in all, on a credit not exceeding thirty years, and at any rate of interest, payable annually, not exceeding ten per cent. per annum, and to execute and issue bonds for that purpose, which shall not be sold or hypothecated by said board at less than par.

§ 12. The river board may receive voluntary contributions, and take subscriptions for that purpose, and any town

or county in this state wishing to aid this work, may advance or lend to the river board any amount of money they think proper, and for the purpose of raising such amount any town, (at any annual town meeting or any town meeting regularly called for that purpose) or any county, a majority of the people of such county voting therefor, may levy a special tax on the taxable property within their bounds, not exceeding ten mills on the dollar.

Contributions
and subscrip-
tions.

§ 13. To provide a revenue for the purposes of this Special tax. act, and to meet the liabilities of the river board incurred under this act, there shall be levied annually, and collected as other taxes are or may be collected, a special tax in gold or silver, of four mills on every dollar's worth of taxable property in each of the towns of Ottawa and South Ottawa, in said county of La Salle, and of two mills and one half on every dollar's worth of taxable property in each of the towns of Utica, Deer Park, Dayton, Rutland, Grand Rapids, Farm Ridge, Bruce and Brookfield, in said county of La-Salle, and a tax of one mill and one half on every dollar's worth of taxable property in each of the towns of Serena, Mission, Manlius, Eagle, Adams, Earl, Northville, Freedom and Waltham, in said county of La Salle; and the board of supervisors of said county are hereby required to incorporate in the warrants to the collectors of said several towns, a mandate, commanding each such collector to collect such tax as is in this section imposed upon his town, specifying the amount of the same, and further commanding him to pay over the same to the treasurer of the river board, at the same time he is or may be required to pay over to the supervisors of his town the funds raised for town purposes; and it shall be the duty of said collectors so to collect and pay over such tax: *Provided*, that if the inhabitants of any town in this section enumerated, shall not, at their next annual meeting, pass a resolution declaring their willingness to submit to the tax in this section provided, and shall cause to be filed with the clerk of the county court of said La Salle county a certified copy of said resolution, within ten days thereafter, then the operation of this section shall be suspended, so far as it imposes an annual tax on such town, until such resolution shall be adopted at some regularly called or annual town meeting in said town, and until a certified copy of said resolution shall have been, in like manner, filed with the said clerk of the county court of said La Salle county, and from that time this section shall be operative upon such town: *Provided*, *Proviso*. that should two or more of said towns refuse in the manner. aforesaid to submit to such tax, then the river board may, in their discretion, at any time before the next annual meeting of the board of supervisors of La Salle county, (by an order entered on their books, and by filing a certified copy

thereof with the clerk of the county court,) suspend the collection of all tax under this section, for the current year, and until they can make such arrangements as in their opinion will secure the construction of this improvement:

Further proviso.

Provided, further, that if one annual tax is collected under this section, the same shall not be suspended until all the bonds and debts of said board shall have been paid; and in appropriating the money arising from this tax, the interest upon bonds issued under the eleventh section of this act shall have precedence of all other debts.

Record books.

§ 14. The river board shall provide the clerk of the circuit court of La Salle county with a record book or books, which shall be kept by said clerk in his office. Said clerk shall record in such book or books all bonds provided to be made in the eleventh section of this act; and no such bonds shall be issued, or held valid or binding, until the same shall have been so recorded. Upon recording any such bond, the said clerk shall certify on the back thereof, under the seal of said court, that the same has been duly recorded, and shall thereupon re-deliver the same; so certified, to the river board to be issued. Such bonds shall be transferable by assignment; but no such assignment shall be of force, either in law or equity, until such assignment shall have been in like manner recorded by said clerk, in said record book or books.

Stock transferable.

Abstract of proceedings.

§ 15. On the first Monday of July next, and on the first Monday of every six month thereafter, the river board shall cause to be filed with the clerk of the La Salle circuit court, a careful abstract of the doings thereof, during the interim next preceding each such date, embracing a statement of all bonds issued, contracts made, moneys received, moneys paid out, work done, agents employed, officers acting, and the salary or compensation of such agents and officers severally, which shall be kept by said clerk, subject to the inspection of any person interested therein, or of any one having contributed to said improvement, by paying tax or otherwise.

Disposition of surplus funds.

§ 16. Whenever the revenues of the river board shall furnish them moneys not needed for the payment of debts then due, or interest on bonds, it is hereby made their duty to vest the same in some safe and available manner, so as to create a sinking fund for the final payment of their bonds and other liabilities. Whenever said work shall be completed, and the debts and liabilities of the river board paid and discharged, said board shall give notice thereof to the board of supervisors of said county, and thereupon the tax provided in this section shall forever cease.

Fees.

§ 17. The clerks of the county court and circuit court shall severally be allowed fees for the duties herein required, at the same rate as now allowed by law for like services—

for recording, the same as recording deeds; and for exhibition of record or papers, ten cents.

§ 18. This act is hereby declared a public act, and shall be in force from and after its passage.

APPROVED February 12, 1851.

AN ACT to enable Joseph McCoy and others to peddle goods in the state of Illinois. In force Feb. 12, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Joseph McCoy, of Will county, Illinois, in consequence of having had the misfortune to lose an arm, shall be entitled to have a state license granted to him by the proper authority of the state to peddle goods, wares and merchandise any where in the state, free of charge, during his natural life, or if he is unable to peddle, he may do so by an agent. License to Joseph McCoy.

Also, that Alfred M. Wooley and Jackson Van Vranken, of Mason county, have the same privilege granted them as that given to Joseph McCoy, they having lost, one a hand and the other an arm, and being unable to work. License to other persons.

Also, William R. Bishop, of Macoupin county, Albert Alexander, of Boone county, Luke Barley, of Franklin county, Truman R. Barlow, of Rock Island county, Hosea Hathway, of Ogle county, Daniel Moore, of Adams county, William Lorton, of Greene county: *Provided*, that neither of the above named individuals shall be allowed, under the license herein granted, to transact business upon a capital of more than two thousand dollars: *Provided, further*, that neither of said persons shall ever employ or have in his service, under or by virtue of said license, more than one agent, which agent shall have no power to appoint sub-agents. Provido.
Further proviso.

This act to be in force from and after its passage.

APPROVED Feb. 12, 1851.

AN ACT authorizing Jeremiah Crotty to establish a ferry across the Illinois river. In force Feb. 12, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Jeremiah Crotty, his heirs and assigns, be and they are hereby authorized to establish and keep a ferry across the Illinois river, on any part of sections twenty-five or twenty-six, as Ferry authorized.

the said Crotty may elect, in township thirty-three north, range five east of the third principal meridian, for the period of ten years.

§ 2. The said Jeremiah Crotty, his heirs and assigns, are hereby authorized to charge such rates of ferriage as are now charged by other ferries similarly situated in said county.

Restrictions. § 3. The said Jeremiah Crotty, his heirs and assigns, shall, in every respect, comply with the provisions of chapter forty-two of Revised Statutes, entitled "Ferries."

Taxes. § 4. All taxes levied on said ferry may be paid by labor, applied to the improvement of the roads leading to and from said ferry.

§ 5. This act to take effect from and after its passage.
APPROVED Feb. 12, 1851.

In force Feb. 12, 1851. AN ACT to vacate a part of the town of Freeport, and to re-survey said town.

Part of town vacated. SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That all that part of the town plat of the original town of Freeport, in the county of Stephenson, not embraced within the boundaries of the east half of the north-west quarter and the north-east quarter of section thirty-one, in township twenty-seven north, range eight east, be and the same is hereby vacated.

Re-survey. § 2. The president and trustees of the town of Freeport are hereby authorized and required, as soon as practicable, to employ some competent surveyor to re-survey so much of the original town of Freeport as is embraced within the limits of the east half of north-west quarter and north-east quarter of section thirty-one (31,) township 27 north, range 8 east; said survey to be completed within one year from the passage of this act.

Surveyor to be sworn. § 3. The surveyor to be employed, as provided in the foregoing section, shall be sworn before some competent authority to execute and fulfil the duties required of him by this act, according to the best of his skill and ability, without prejudice or partiality. Said surveyor shall employ the necessary assistants, who shall in like manner be sworn to the faithful performance of their duties. The president and trustees of the town of Freeport shall fix the compensation of said surveyor and assistants, and shall draw their order upon the treasurer of said town for the same.

Character of re-survey. § 4. The re-survey of the town of Freeport, herein authorized to be made, shall conform, in all respects, as nearly as practicable, to the recorded plat of said town.

The width of all the streets and alleys, the number of the blocks and lots, width and length of all lots, where the same are not fractional, shall be the same as upon the original recorded plat of said town. In those blocks which appear upon said original recorded plat without the number of the lots upon them, the lots shall be numbered the same in manner precisely as the lots are numbered in block fifty-five (55) in said town, to wit: commencing at the south-westerly corner of each whole block, with lot number one, and numbering north-easterly to lot number five; and from the north-easterly corner, commencing with lot six, and numbering south-westerly to lot ten, at north-westerly corner. In fractional blocks the relative position of lots, by the numbers, shall be the same as in whole blocks, except in those blocks bordering on Water street. If it shall be found, upon actual survey, that the courses of the streets are not correctly stated upon the said recorded plat of Freeport, the original line of Stephenson street, as actually surveyed at the time of the original survey of said town, shall be ascertained, as nearly as practicable, by land marks or otherwise, and the course of said street, so ascertained, shall form the base line, and the survey shall be extended from said line.

§ 5. If it should appear, upon careful measurement of the distance from the south-westerly corner of block No. fifty-five to the south-easterly corner of block fifty-eight, on Stephenson street, in said town of Freeport, that there is an excess over the distance stated on the original plat of said town, as the same appears of record, or a deficiency in said distance, the excess or deficiency shall be as nearly equally divided as practicable between blocks 55, 56, 57, and 58, and the width of said blocks so ascertained shall be the width of all the blocks between the following named streets, running at right angles with said Stephenson street, to wit: between Van Buren and Chicago streets, between Chicago and Mechanics' streets, between Mechanics' and Adams streets, and between Adams and Liberty streets. The street parallel with and next northerly from Bridge street shall be called Clay street, and the street next northerly and parallel with Clay street shall be called Webster street.

§ 6. All grants, bargains, sales, conveyances, leases, releases or other writings of or concerning lots or parts of lots, by their numbers, as provided in section 4 of this act, in blocks which upon the recorded plat of said town of Freeport are not numbered, are hereby declared as valid in law and equity, to all intents and purposes, as if the numbers of said lots had appeared upon said recorded plat.

§ 7. There shall be planted at the corner of each block or square, (unless the corner should be occupied by a building,) by the surveyor, at the time of making the re-survey

Excess or deficiency.

Conveyances &c.

Designation of corners.

herein provided for, a stone not less than eighteen inches long, which stone shall be marked with a cross: + -

Plat to be made
and recorded.

§ 8. Immediately after the completion of said survey a well executed plat of the said town, showing its connection with the government surveys, and the additions to the said town, shall be made by the surveyor, on which the said surveyor shall certify, under oath, that the same is correct; and the same shall be presented to the president and trustees of said town of Freeport for their approval, and examined by them; and if the same is approved they shall certify that approval, under their official seal; and when the said plat shall be so certified it shall be recorded in the office of the clerk of the circuit court for the county of Stephenson, and a certified copy thereof, under the hand and seal of the said clerk, shall be competent evidence, without other proof of the fact manifested by it, in all the courts of this state.

Expenses of re-
survey.

§ 9. To defray the expense of said survey, recording, &c., the president and trustees of said town of Freeport shall have power to lay a tax upon the owners of the lots surveyed, or herein provided, in said town; and if the same is not promptly paid the said president and trustees may proceed against the lot, by its number and description, or against the owner, if known, before any justice of the peace of the county, to recover said tax; and a judgment being rendered therefor, either against the lot, when the owner is unknown, or against the owner, if known, execution may issue as in other cases: *Provided*, that in case the constable or other officer shall be unable to find any personal property of the defendant out of which to make the money, and shall so return the execution to the justice who issued it, a transcript of the judgment shall be filed in the office of the clerk of the circuit court and recorded by said clerk as is now provided by law, and execution shall issue out of the circuit court as in other cases, and the lot or lots sold to satisfy the judgment, with costs; and if the same is not redeemed within one year, by the payment of the amount of the judgment and costs, and one hundred per cent. thereon, the lot shall vest absolutely in the purchaser. Said tax shall be equal in amount upon each lot.

Provi'o.

§ 10. This act to be in force from and after its passage.
APPROVED Feb. 12, 1851.

AN ACT to incorporate the Ohio and Mississippi Railroad company, and for other purposes. In force Feb. 12, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Joseph G. Bowman, Sidney Breese, James Hall, Alfred Kitchell, Arthur McCauley, George W. Pace, Benjamin Bond, James L. D. Morrison, A. T. Ellis, John Ross, Luther M. Kennett, John O'Fallon, James H. Lucas, Andrew Christy, Daniel D. Page, John Law, Peter Chouteau, jr., Benjamin F. Rittenhouse, Samuel B. Chandler, John A. McClernand, John S. Martin, Aaron Shaw, William W. Roman, Green C. Crosson, and such other persons as may associate with them for that purpose, are hereby made and constituted a body corporate and politic, by the name and style of "The Ohio and Mississippi Railroad company," with perpetual succession, and by that name and style shall be capable in law of taking, purchasing, holding, leasing, selling and conveying estate and property, whether real, personal or mixed, so far as the same may be necessary for the purposes hereinafter mentioned, and no further; and in their corporate name may sue and be sued, to have a common seal, which they may alter or renew at pleasure, and may have and exercise all powers, rights, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act, as the same are hereinafter set forth.

Corporators.

General powers.

§ 2. The Ohio and Mississippi Railroad company shall have full power and authority to locate, and from time to time to alter, change, re-locate, construct, re-construct, and fully to finish, perfect and maintain a railroad, with one or more tracks, commencing at Illinoistown, on the Mississippi river, in the county of St. Clair, and running from thence, on the most eligible route, to the east line of the state of Illinois, in the direction of the city of Vincennes, in the state of Indiana, and to transport, take and carry property and persons upon said railroad, by power or force of steam, or of animals, or of any mechanical or other power, or combination of them, which said company may choose to use or apply. And for the purpose of constructing said railroad or way, said company shall have authority and power to lay out, designate and establish their road, in width not exceeding one hundred and fifty feet, through the entire line thereof, and may take and appropriate to their own use all such lands so designated for the line and construction of said road, upon first paying or tendering therefor such amount of damage as shall have been settled by appraisal, in the manner hereinafter provided, on all such lands as may be taken, or upon any track which may be located by said company, and for the purpose of cuttings and embankments, and for the purpose of obtaining of stone, sand

Objects.

Right of way.

and gravel, may take and appropriate as much more of land as may be necessary for the proper construction, maintenance and security of said road, and for the construction and security of said road, and for constructing shops, depots, and other suitable, proper and convenient fixtures, in connection with and appurtenances to said railroad, may take and have, use and occupy any lands upon either side of said railroad, not exceeding two hundred feet in depth from said railroad; said company taking all such lands as gifts, or purchasing or making satisfaction for the same, in the manner hereinafter provided: *Provided*, that this section shall not be construed to restrict or prevent the construction of public roads, or canals, or railroads, across the road of said company, when deemed expedient, but so as not materially to impair or obstruct the same.

Powers,

§ 3. The said company, and under their direction, their agents, servants and workmen, are hereby authorized and empowered to enter into and upon the lands and grounds of or belonging to the state, or to any person or persons, bodies politic or corporate, and survey and take levels of the same, or any part thereof, and to set out and ascertain such parts as they shall think necessary and proper for making said railroad, with one or more sets of tracks or rails, and for all the purposes connected with said railroad, for which the said corporation, by the last preceding section, is authorized to have, take and appropriate any lands, and to fell and cut down all timber and other trees standing or being within one hundred feet on each side of said line of said railroad, the damages occasioned by the felling of such trees, unless otherwise settled, be assessed and paid in manner hereinafter provided for assessing and paying damages for land taken for the use of said railroad company; and also to make, build, erect and set up, in and upon the route of said railroad, or upon the land adjoining or near the same, all such works, ways, roads and conveniences as may be requisite and convenient for the purposes of said railroad; and also from time to time to alter, repair, amend, widen or enlarge the same, or any of the conveniences above mentioned, as well for the carrying, conveying goods, commodities, timber or other things to and upon the said railroad, as for carrying or conveying all manner of materials necessary for the making, erecting, furnishing, altering, repairing, amending or enlarging the works of or connected with said railroad, and to contract and agree with the owner or owners thereof for earth, timber, gravel, stone, or other material, or any articles whatever, which may be wanted in the construction or repair of said railroad, or any of its appurtenances; they, the said company, doing as little damage as possible in the execution of the said powers hereby granted, and making satisfaction in the manner here-

after mentioned for all damages to be sustained by the owners or occupiers of said land.

§ 4. The said company shall have power and authority ^{Grants.} to receive, take and hold all such voluntary grants and donations of land and real estate for the purposes of said railroad, as may or shall be made to said company, to aid in the construction, maintenance and accommodation of said railroad; and said company may contract and agree with the owners or occupiers of any land upon which said company may wish to construct said railroad or way, or which said company may wish to use or occupy for the purpose of procuring stone, sand, gravel or earth, or other materials, to be used in embankments or otherwise, in or about the construction, repair, or enjoyment of said railroad, or which said company may wish to use or occupy in any manner or for any purpose or purposes connected with said railroad, for which said company is empowered or authorized by this act to take, have or appropriate any lands, and to receive and take grants and conveyances of any and all interests and estates therein, and to them and to their successors or assigns in fee, or otherwise; and in case said company cannot agree with such owners or occupiers of such lands as aforesaid, so as to procure the same by the voluntary deed or act of such owners or occupiers thereof, or if the owners or occupiers, or any or either of them, be a *femme covert*, infant, *non compos mentis*, unknown or out of the county in which the land or property wanted may lie or be situate, the same may be taken and paid for, if any damages are awarded, in the manner provided for in "An act to provide for a general system of railroad incorporations," approved November 5th, 1849, and the final decision or award shall vest in the corporation hereby created all the rights, privileges, franchises and immunities in said act contemplated; and provided that any appeal that may be allowed under the provisions of the act above recited, or by virtue of any general law of this state, shall not affect the possession by said company of the land appraised; and when the appeal may be taken or writ of error prosecuted by any person or persons other than the said company, the same shall not be allowed except on the stipulation of the party so appealing or prosecuting such writ of error, that the said company may enter upon and use the lands described in the petition for the uses and purposes therein set forth, upon said company giving bond and security, to be approved by the clerk of said court, that they will pay to the party so appealing or prosecuting such writ of error, all costs and ^{Damages.} damages that may be awarded against them on the final hearing of such appeal or writ of error, within thirty days after the rendition thereof, or forfeit all right to use the land or way so condemned.

Capital stock.

§ 5. The capital stock of said company shall be one million of dollars, which may be increased from time to time by a vote of a majority in interest of stockholders, at their annual meeting, or at any special meeting that may be called for that purpose by the directors of said company, to any sum not exceeding the entire amount expended on account of said road; which stock shall be divided in shares of fifty dollars each, which shall be deemed personal property, and may be issued, certified, transferred and registered in such manner and at such places as may be ordered and provided by the board of directors, who shall have power to require the payment of stock subscribed in the manner and at the time and in such sums as they may direct; and on the refusal or neglect on the part of stockholders, or any of them, to make payment on the requisition of the board of directors, the shares of such delinquents may, after thirty days' public notice, be sold at public auction, under such rules as the directors may adopt; the surplus money, if any remains after deducting the payment due, with the interest and the necessary costs of sale, to be paid to the delinquent stockholder. The board of directors hereinafter named and appointed, shall cause books to be opened for subscriptions to the capital stock of said company, at such times and places and in such manner as they shall direct, provided that as soon as two hundred thousand dollars of *bona fide* subscription shall be made to said capital stock, and twenty-five per cent. thereon paid, it shall be lawful for said company to commence the construction of said road.

Directors.

§ 6. All the corporate powers of said company shall be vested in and exercised by a board of directors, to consist of not less than seven nor more than seventeen in number, and such other officers, agents and servants as they shall appoint. The first board of directors shall consist of Abner T. Ellis, James Hall, Joseph G. Bowman, Alfred Kitchell, Benjamin Bond, James L. D. Morrison, Luther M. Kennett, Andrew Christy, John O'Fallon, Daniel D. Page, Samuel B. Chandler, John A. McClernand and Aaron Shaw, who shall hold their offices until their successors are elected and qualified. Vacancies in the board may be filled by vote of two-thirds of the directors remaining: such appointees to continue in office until the next regular annual election of directors, and which said annual election shall be held on the first Monday of September in each year, at such place as the directors may direct; thirty days' notice being given in two newspapers printed along the line of said road.

Vacancies.

Votes.

§ 7. At any election held for directors, each share of stock shall be entitled to one vote, to be given either in person or by proxy, and the persons receiving the largest number of votes to be declared duly elected, and to hold their

office until the next annual election, and until their successors are elected and qualified. All elections for directors to be conducted by three judges, selected by the stockholders present.

§ 8. The directors herein named are required to organize the board by electing one of their number president, and by appointing a secretary and treasurer. Board of directors.

§ 9. Said company shall have power to purchase, with the funds of the company, and contract for and place on the railroad hereby authorized to be constructed, all machines, wagons, carriages and vehicles of any description which they may deem necessary and proper for the purposes of transportation on said railroad, and they shall have power to charge for tolls and transportation and rates of fare such sums as shall be lawfully established by the by-laws of said company. Equipments.

§ 10. Said company shall have power to make, ordain and establish all such by-laws, rules and regulations as may be deemed expedient and necessary to fulfil the purposes and carry into effect the provisions of this act, and for the well-ordering and securing the affairs, business and interest of said company, provided that the same be not repugnant to the constitution and laws of the United States, or of this state. By-laws.

§ 11. The said board of directors shall have power to regulate the manner of transportation of persons and property, the width of track, the construction of wheels, the form and size of cars, the weight of loads, and all other matters and things respecting the use of said road, and the conveyance and transportation of persons and property thereon. Transportation.

§ 12. Whenever it shall be necessary for the construction of said railroad to intersect or cross a track of any other railroad, or any stream of water or water-course, or road, or highway lying on the route of said road, it shall be lawful for the company to construct their railroad across or upon the same: *Provided*, that the said company shall restore the railroad, stream of water, water-course, road or highway thus intersected or crossed, to its former state, or in a sufficient manner not materially to impair its usefulness. Intersections.

§ 13. The said company shall annually or semi-annually make such dividend as they may deem proper, of the net profits, receipts or income of said company among the stockholders therein, in proper proportion to their respective shares. Dividends.

§ 14. If any person shall do or cause to be done, or aid in doing or causing to be done, any act or acts whatever, whereby any building or construction or work of said company, or any engine, machine or structure, or any matter or thing appertaining to the same, shall be stopped, ob- Penalty.

structed, impaired or weakened, injured or destroyed, the person or persons so offending shall be guilty of a misdemeanor, and may be punished, upon conviction, by fine, in any sum not exceeding one thousand dollars, or by imprisonment not exceeding five years, or both, at the discretion of the court, and shall forfeit and pay to said corporation treble the amount of damages sustained by reason of such offence or injury, to be recovered in the name of the said company, with costs of suit, in an action of trespass, before any justice of the peace of this state, or before any court having jurisdiction thereof.

§ 15. Said company shall have the power to unite its railroad with any other railroad now constructed, or which may hereafter be constructed, either in this state or the state of Indiana, upon such terms as may be mutually agreed upon between the companies so connecting, and for that purpose full power is hereby given to said company to make and execute such contracts with any other company as will secure the objects of such connection: *Provided*, that the Central railroad shall not run upon the line or track of the road constructed by the company hereby incorporated, except at points of crossing or intersecting the same.

§ 16. Said company is hereby authorized, from time to time, to borrow such sum or sums of money as may be necessary for completing and finishing or operating their said railroad, and to issue and dispose of their bonds in denominations of not less than five hundred dollars, for any amount so borrowed, and to mortgage their corporate property and franchises, or convey the same by deed of trust, to secure the payment of any debt contracted by said company for the purposes aforesaid; and the directors of said company may confer on any bondholder of any bond issued for money borrowed as aforesaid, the right to convert the principal due or owing thereon into stock of said company, at any time not exceeding ten years from the date of the bond, under such regulations as the directors of said company may see fit to adopt.

§ 17. The said company hereby chartered shall be required to construct and operate their said road, throughout the entire line thereof, according to the terms of this charter, within five years after the work shall be commenced thereon, and upon failure so to do, shall forfeit all rights and privileges, tracks completed, and work done upon said road; provided the work shall be commenced on said road within one year after the passage of this act.

§ 18. All the stockholders of said company shall be severally individually liable to the creditors of said company, to an amount equal to the amount of stock held by them respectively, for all debts and contracts made by said company, until the whole amount of capital stock fixed and

Junction with
other roads.

Loan of money.

Bonds.

Commencement

Liability of
stockholders.

limited by said company, or by this act, shall have been paid in; and shall be jointly and severally liable for all debts that may be due and owing to any and all their laborers, servants and apprentices, for services performed for said company, but shall not be liable to an action therefor before an execution shall be returned unsatisfied, in whole or in part, against said company, and then the amount due on said execution shall be the amount recoverable, with costs, against said stockholders: *Provided*, that none of the provisions of this section shall be applicable to the company hereby incorporated, or to the Terre Haute and Alton railroad company, incorporated at the present session of the general assembly, until the same provisions shall be applied to the Central railroad company and branches, and the Rock Island, La Salle and Chicago railroad company.

§ 19. This act shall be deemed and taken as a public act, and shall be in force from and after its passage; and the railroad constructed under this act of incorporation shall be confined within ten miles on either side of the Great Western mail route, from St. Louis to Vincennes. The work upon said road shall commence simultaneously at Illinoistown and at the point where said road crosses the track of the Central railroad, and progress eastwardly from said point with all reasonable dispatch.

APPROVED Feb. 12, 1851.

AN ACT to incorporate the Rockford and Rock Island Railroad Company.

In force Feb. 12, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That all such persons as shall become stockholders, agreeably to the provisions of this act, in this corporation hereby created, shall be, and for the term of sixty years from and after the passage of this act shall continue to be, a body corporate and politic, by the name of the "Rockford and Rock Island Railroad company," and by that name shall have succession for the term of years above specified, may sue and be sued, complain and defend in any court of law or equity, may make and use a common seal, and alter the same at pleasure, may make by-laws, rules and regulations for the management of property, the regulations of its affairs and for the transfer of its stock, not inconsistent with the existing laws and the constitution of this state and of the United States, and may, moreover, appoint such subordinate agents, officers and servants as the business of said company may

require, prescribe their duties, and require bond for the faithful performance thereof.

Commissioners.

§ 2. That Wait Talcott, John A. Holland, Seldon M. Church, William Bebb, Samuel M. Hitt, Cyrus Aldrich, Joseph Knox be and are hereby appointed commissioners for the purpose of procuring subscriptions to the capital stock of said company, whose duty it shall be to open books for subscription to the capital stock of said company, giving notice of the time and place when and where said books will be opened, at least thirty days previous thereto, by publication in some newspaper published in Rock Island and Rockford.

Duties.

Subscriptions.

The said commissioners, or a majority of them, shall attend at the place appointed for the opening of said books, and shall continue to receive subscriptions, either personally or by such agents as they shall appoint for that purpose, until the sum of one hundred thousand dollars shall be subscribed; and as soon as said sum of one hundred thousand dollars is subscribed the said commissioners shall give twenty days' notice, by publication in a paper published in Rock Island and Rockford, of an election by said stockholders of a board of directors, as hereinafter provided, for the management of said company; at such time and place appointed for that purpose the commissioners, or a majority of them, shall attend and act as inspectors of said election, and the stockholders present shall proceed to elect seven directors, by ballot, and the commissioners present shall certify the result of such election, under their hands, which certificates shall be recorded in the record book of said company, and shall be sufficient evidence of the election of the directors therein named; the directors thus elected shall hold their office for one year, and until their successors are elected and qualified.

Election of directors.

Amount of capital stock.

§ 3. The capital stock of said company shall be one million of dollars, which shall be divided into shares of one hundred dollars each, and may be increased by the directors of said company to any sum not exceeding two millions of dollars, if necessary to complete the works herein authorized, and the same shall be subscribed for and taken under the direction of the board of directors of said company, in such time, place and manner as the said directors shall from time to time direct. The shares in said company shall be deemed and considered as personal property.

Management.

§ 4. The affairs of said company shall be managed by a board of seven directors, to be chosen annually by the stockholders from among themselves. At all elections for directors each stockholder shall be entitled to one vote for each share held by him, and may vote either personally or by proxy, and a plurality of the votes given at any election shall determine the choice, but no stockholder shall be al-

lowed to vote at any election after the first for any stock which shall have been assigned to him within thirty days previous to said election. The directors shall hold their offices for one year after election, and until their successors are elected and qualified, and shall elect one of their number president of said board; and in case of any vacancy occurring in said board of directors between elections, the same may be filled by the board at any legal meeting of the directors, and the person so elected to fill the vacancy shall hold his office until the next annual meeting of the stockholders. In case of the absence of the president of the board, the directors shall have power to elect a president *pro tempore*, who shall exercise for the time being all the legal powers of the president of said company. The said board of directors shall be increased, by vote of a majority of the stockholders present at any annual meeting, to any number not exceeding fifteen.

Directors.

Vacancies.

§ 5. It shall be lawful for the directors to make calls upon the sums subscribed to the capital stock of said company, at such time or times and in such amounts as they shall deem fit, giving at least thirty days notice of each of said calls in at least two public newspapers published in this state; and in case of failure on the part of any stockholder to make payment of any call made by said directors for sixty days after the same shall have become due, the said board of directors are hereby authorized to declare said stock so in arrears, and all sums paid thereon forfeited to said company.

Payment of subscriptions to capital stock.

§ 6. The said company are hereby authorized and empowered to locate, construct and complete, and to maintain and operate a railroad, with a single or double track, and with such appendages as may be deemed necessary by the directors for the convenient use of the same, from some point on the Galena and Chicago Union railroad, at Rockford, in the county of Winnebago, to the city of Rock Island, and are further authorized to continue said railroad from Rockford to some point on the north line of this state, and to survey and determine the line of said road upon such route between said points as the said company shall deem most eligible. And the said company are further authorized to use and operate said railroad, and shall have power and authority to regulate the time and manner in which goods, effects and persons shall be transported on the same, and to prescribe the manner in which said railroad shall be used, and the rate of toll for transportation of persons or property thereon, and for the storage of merchandize and other property under their charge, and shall have power to provide all necessary stock and material for the operation of said road, and shall have power to erect and maintain all necessary depots, stations, shops and other buildings

Objects of corporation.

and machinery for the accommodation, management and operation of said road.

Right of way.

§ 7. That said company are hereby authorized, by their engineers and agents, to enter upon any lands for the purpose of making the necessary surveys and examination of said road, and to enter upon and take and hold all lands necessary for the construction of the said railroad and its appendages, first making just and reasonable compensation to the owners of said lands for any damage that may arise to them from the building of said railroad, and in case the said company shall not be able to obtain the title to the lands through which the said road shall be laid, by purchase or voluntary cession, the said company are hereby authorized to proceed to ascertain and determine the damages sustained by such owner or owners, in the manner and upon the principles provided by the 92d chapter of the Revised Statutes of this state, entitled "Right of way : " *Provided*, that after the appraisal of damages as provided in said statute, and upon deposit of the amount of such appraisal in the circuit court of the county wherever such lands may be situate, the said company are hereby authorized to enter upon such lands for the construction of said road.

Money may be borrowed.

§ 8. The said company are authorized and empowered to borrow, from time to time, such sum or sums of money, not exceeding the capital stock of the company, as in their discretion may be deemed necessary to aid in the construction of said work, and to pay any rate of interest therefor, not exceeding ten per cent., and to pledge and mortgage the said road and its appendages, or any part thereof, or any other property or effects, rights, credits or franchises of the said company, as security for any loan of money and interest thereon, and to dispose of the bonds issued for such loan, at such rate and on such terms as the board of directors may determine.

Public highways.

§ 9. Said corporation shall be bound to repair all public highways, bridges and water-courses which may be injured in constructing the said railroad or its appendages, and shall restore them, as far as practicable, to as good a condition as they were before they were injured.

Union with other companies.

§ 10. It shall be lawful for the said company to unite with any other railroad company which may have been or may hereafter be incorporated by this state, and to grant to any such company the right to construct and use any portion of the road hereby authorized to be constructed, upon such terms as may be mutually agreed between the said companies.

Penalty.

§ 11. Any person who shall wilfully injure or obstruct the said road, or any of the appendages thereto, shall be deemed guilty of a misdemeanor, and shall forfeit to the use of the company a sum three-fold the amount of the dama-

ges occasioned by such injury or obstruction, to be recovered in an action of debt in the name of said company, with costs of suit, before any justice of the peace or before any court of record in this state.

§ 12. The said company shall be allowed three years from the passage of this act for the commencement of said railroad, and in case the same shall not be completed in ten years thereafter, the privileges herein granted shall be forfeited. Commencement of work.

§ 13. This act shall be deemed and taken as a public act, and shall be construed beneficially for all purposes herein specified or intended. Construction of act.

APPROVED Feb. 12, 1851.

AN ACT to amend an act entitled "An act to establish a ferry across the Mississippi river, in St. Clair county." In force Feb. 12, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the first section of an act entitled "An act to establish a ferry across the Mississippi river, in St. Clair county," approved February 12, 1849, shall be and the same is hereby amended so as to authorize James B. Needles, John Gall, Madison Miller, Alfred Crosby, Julian Kevan and John Trombly, their associates, heirs and assigns, to enjoy and exercise the exclusive right to ferry on said Mississippi river opposite the town of Carondelet, in the state of Missouri, from the point at which said parties have been heretofore authorized to establish a ferry—that is, on claim No. two hundred and seven (207,) survey No. one hundred and eighty (180,) for and during the term of thirty years; which said exclusive right to ferry on said river shall extend two miles up and three miles down the said Mississippi river, from the north or south line of survey No. one hundred and eighty, claim No. two hundred and seven (207,) hereinbefore described. Part of act amended.

§ 2. *Be it further enacted,* That for and in consideration of the extension of the exclusive privilege of ferrying across the Mississippi river from fifteen to thirty years aforesaid, and in consideration of the said exclusive right of landing two miles up and three miles down, in place of two miles as hereinbefore described in the preceding section, the said Needles, Gall, Miller, Crosby, Kevan, Trombly, their associates, heirs and assigns, shall be and are hereby required to construct a stone dyke on or adjoining claim No. two hundred and seven (207,) survey No. one hundred and eighty (180,) extending from the main shore or bank, as it now is on the Illinois side, into the Mississippi river, Ferry.

Plank road.

three hundred and fifty feet. And the said parties, their associates, heirs and assigns before mentioned, in consideration of the aforesaid privileges unto them extended, shall be and are hereby further required to construct a plank road, which said road shall run through claim No. two hundred and seven (207,) survey No. one hundred and eighty (180,) from the said river to the intersection of the Columbia and Kaskaskia road; which said road shall not be less than sixteen feet wide, except such part of said road that may run through the lakes or sloughs, which shall not be less than eight feet wide: *Provided*, the distance across said lakes and sloughs shall not exceed one half mile: and all plank used on said road shall not be less than two inches thick; and the said parties, their associates, heirs and assigns, in consideration of the aforesaid privileges, shall permit all persons crossing said ferry to pass over said road free and without paying toll.

Proviso.

Tolls.

§ 3. *Be it further enacted*, That if any vehicle, cattle, sheep, swine, horses, horse and rider or led horse shall travel said road without crossing said ferry of said Needles, Gall, Miller, Crosby, Kevan, Trombly, their associates, heirs and assigns, they shall pay to the owners of said road the same rates of toll that are allowed by "An act to provide for the construction of plank roads."

Penalty.

§ 4. *Be it further enacted*, That if any person or persons, company or corporation, at any time during the continuance of this charter, the plank road being in good order, shall, in violation of this act and contrary to the wishes and intentions of said Needles, Gall, Miller, Crosby, Kevan, Trombly, their associates, heirs and assigns, establish a ferry within the aforesaid limits, it shall be lawful for said Needles, Gall, Miller, Crosby, Kevan, Trombly, their associates, heirs and assigns, to collect the sum of one hundred dollars for every day said ferry boat shall cross the Mississippi river; one half when collected to go to the use of the state.

Forfeiture.

And be it further enacted, That if the said dyke and plank road aforesaid shall not be completed within two years from the passage of this act, aforesaid privileges hereby granted shall be forfeited.

APPROVED Feb. 12, 1851.

AN ACT fixing the points of terminus and declaring the St. Charles and Mississippi railroad of sufficient public utility to justify the taking of private property for the construction of the same. In force Feb. 12, 1851.

Whereas Daniel D. Wait, S. S. Jones, P. S. Burchell, Preamble.

Henry Butler, W. D. Barry, F. H. Bowman, L. F. Sanderson, J. P. Fernald, Robert Rogers, M. S. Gun, A. Hoyde, John Scott, M. Due Coe, Alex. H. Bond, J. T. Durant, James Kelley, R. S. Prescott, and their associates, intending to organize a corporation under the provisions of the "Act to provide for a general system of railroad incorporations" in this state, for the purpose of constructing a railroad to be called the "St. Charles and Mississippi Railroad," to commence at the village of St. Charles, in said state, and running thence in a westerly or south-westerly direction, on the most eligible route, to Rock river, crossing said river at or near Sterling, and not above Dixon, or below Lyndon, on said river, and from the crossing point on said river, in a westerly or south-westerly direction, to some point on the Mississippi river, and down along or near said river to the city of Rock Island; therefore,

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the said railroad, with the points of terminus as herein recited, be and the same is hereby declared to be of sufficient public utility to justify the taking of private property for the locating or construction and maintaining of said road. Taking of private property authorized.

APPROVED Feb. 12, 1851.

AN ACT for the relief of certain persons therein named.

In force Feb. 12, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the several persons hereinafter named, be allowed the several sums annexed to their respective names, for services and supplies during the troubles in Hancock county, to wit: Appropriation.

Archibald Q. Brown, the sum of fifty dollars, for balance as services as captain.

Benjamin M. Prentice, the sum of two hundred and fifty-two dollars and forty cents, for services as first lieutenant.

Stephen Banning and Robert Todd, each the sum of seventeen dollars and seventy-five cents, for the hire of teams.

Chancy Robinson, the sum of twenty dollars, for supplies furnished the quartermaster's department.

John E. Johnston, the sum of seventy dollars and twenty-five cents, for the hire of teams and supplies.

P. M. Lockwood, the sum of forty dollars and thirty-eight cents, for supplies.

E. A. Bedell, one hundred and fifteen dollars and sixty-nine cents, for supplies.

Jonathan Clark, the sum of thirty-one dollars and fifty-nine cents, for supplies.

And that the auditor of public accounts issue to them, respectively, his warrants therefor.

APPROVED Feb. 12, 1851.

In force February 12, 1851.

AN ACT to incorporate the Shawnee Coal Company.

- SECTION 1.** *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Peasly Chamberlin and Ballard Smith, their associates, successors and assigns, are hereby constituted a body corporate and politic, by the name of the "Shawnee Coal company," for the term of fifty years, with power to contract and be contracted with, sue and be sued in that name, in all courts and places, to have a common seal, to engage in mining coal upon the lands now owned by said Chamberlin, in township ten south, of range nine east of the third principal meridian, in the county of Gallatin, and state of Illinois; Mining.
- and also to engage in the manufacture of the products of the said lands situate as aforesaid, and to appoint such officers and make such by-laws and regulations for the government of the company as may be necessary and proper; to acquire and hold the said lands and lands for depots and landings, and such personal estate as may be necessary in the prosecution of their business. Manufacturing.
- § 2. The capital stock of said company shall be one hundred and fifty thousand dollars, with power to increase the same to any sum not exceeding five hundred thousand dollars. The said company may be organized upon the subscription of fifty thousand dollars, but that twenty-five per cent. of every subscription shall be paid at the time of subscription, and the residue within a short and reasonable time thereafter. Capital stock.
- § 3. That said company may construct a railroad from their lands aforesaid, at a point not less than one half mile from the Saline river, in as direct a line as possible, to some good landing on the Ohio river, at a point not less than three and a half miles above the mouth of said Saline river; and should said company not be able to agree with the owners of lands necessary for the location of said road, it may acquire the right of way under the provisions of the Railroad.
- Right of way.

laws of this state now in force; and when the damages are assessed and paid, or tendered, according to said provisions, said lands shall be vested in said company for the use of said road. The said company shall be required to transport on the said road not only articles of their own mining or manufacture, but all coal delivered in their burden cars at the depot at the bluffs, to the said landing, at a rate not exceeding one half cent. per hundred, per mile. Said company may construct railroads from their mines on said lands to the said Saline river, with the same requirements as to transportation: *Provided*, that such last mentioned roads are constructed only upon their own lands, or upon the lands of such persons only as may consent to the same, and voluntarily convey the right of way. Proviso.

§ 4. Said company may construct and have a dock in the Ohio or Saline river, adjoining its own property, for the repair of steamboats and other water craft, and may improve the landing in said river, where their property touches the same, by building wharfs or piers: *Provided*, such improvements do not obstruct the free navigation of said rivers. Dock.

§ 5. That the indebtedness of said company shall not exceed at any one time the sum of twenty thousand dollars; and it must have at all times, within this state, property equal in value to three times the whole amount of its indebtedness. Indebtedness.

§ 6. This act shall not be so construed as to infringe or interfere with any of the rights of the Saline Coal and Manufacturing company, incorporated at this session of the general assembly of this state. Restriction.

§ 7. This act to take effect from and after its passage.
APPROVED Feb. 12, 1851.

AN ACT to authorize the construction of the Savanna Branch Railroad.

In force Feb. 12,
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the Savanna Branch Railroad company be and they are hereby authorized to commence and build a railroad at and from the town of Savanna, in the county of Carroll, and state of Illinois, in an easterly and north-easterly direction, through a part of the counties of Carroll and Stephenson, on the most practicable route, to intersect the Galena and Chicago Union railroad, or the Galena branch of the Central railroad, at some convenient point within fifteen miles of the town of Freeport, in said county of Stephenson; and the road above mentioned is hereby declared to be of Construction of
branch road
authorized.

Private property. sufficient public utility to justify the taking of private property for the constructing and maintaining of the same.

§ 2. This act to be in force from and after its passage.
APPROVED February 12, 1851.

In force Feb. 12, 1851. AN ACT to enable certain ferries in Pike county to pay license tax in work on roads.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the Payment of tax. proprietors of all ferries on the Mississippi river, licensed by the county of Pike, may discharge the annual tax assessed by said county for said license in work upon the road or roads leading to each of said ferries. Said work to be done under the direction of the commissioners of highways of the towns in which said roads are situated.

This act to take effect from and after its passage.
APPROVED Feb. 12, 1851.

In force Feb. 12, 1851.

AN ACT for the relief of Michael Rickard.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the Authority to audit. board of supervisors of Hancock county be authorized and required to audit the account of Michael Rickard, school commissioner of Hancock county, for services in making report to the auditor of public accounts of all school lands in said county relinquished to the state, in pursuance to the act of the general assembly, approved February twenty-fifth, in the year of our Lord one thousand eight hundred and forty-three, and allow the said Michael Rickard such sum as may be deemed just and right, to be paid out of the county treasury of said county.

§ 2. This act shall be in force from and after its passage.
APPROVED Feb. 12, 1851.

AN ACT to vacate a part of Grove street, in Peters' addition to the town of Pittsfield, and certain streets in Doyle and Palmer's addition. In force Feb. 12, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That so much of Grove street, in Peters' addition of lots to the town of Pittsfield, in the county of Pike, as lies on the north side of Perry street, in said addition to said town, be and the same is hereby vacated, and hereby abolished and done away with, as if the same had never been located. Street vacated.

§ 2. That so much of North street as lies between blocks one, two, three and four, and blocks seven, eight, nine and ten; also, so much of an alley as lies between blocks one and two and nine and ten; and also so much of West and Liberty streets as lies north of Perry street, all in Doyle and Palmer's addition to the town of Pittsfield aforesaid, be and the same is hereby vacated and abolished. Other streets vacated.

This act to take effect from and after its passage.

APPROVED Feb. 12, 1851.

AN ACT concerning the Elgin and Genoa Plank Road.

In force Feb. 12, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the Elgin and Genoa Plank Road company, organized March nineteenth, A. D. one thousand eight hundred and fifty, under the general plank road law, for the purpose of constructing a plank road from a point on the north line of Du Page county, about seven miles south-east of Elgin, *via* Elgin and Munn's store, in Burlington, to Genoa, be and are hereby released from the obligation of constructing that part of said road lying east of Elgin as aforesaid: *Provided*, that the directors, in full board, shall first pass an order making such relinquishment, which shall be certified by the president and secretary of the board of directors, and filed in the office of the secretary of state; and the same shall take effect from the time of filing said order. Release. Provide.

§ 2. Said company shall have a right to use the whole width of any state or county road on the line of said plank road, for the purpose of constructing the same, by agreement with the county court; and all persons residing on the line of said plank road shall have the privilege of doing their highway work on said plank road, in commutation of toll for the use of the same. Use of state or county roads.

§ 2. The said company may macadamise or gravel such portion or portions of said road as the directors thereof deem suitable for such purpose, instead of planking, and Part of road may be macadamized.

Proviso.

collect tolls thereon at two-thirds the rate they are allowed to collect on the plank road: *Provided*, they shall, at all times, keep such parts of the road in good condition and repair.

APPROVED Feb. 12, 1851.

In force Feb. 12,
1851.

AN ACT to incorporate the Granville Academy.

Corporation.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That Ralph Ware, Jeremiah Strawn, Charles Williams, Theron D. Brewster, John P. Hayes, Thomas Ware, William A. Pennell, Joel W. Hopkins, Robert Moore, James Warnock, Andrew Wardlaw, Freeman Packenham, J. S. Bullock and Dixwell Lathrop, and their successors, be and they are hereby created a body politic and corporate, to be styled "The Trustees of the Granville Academy," and in that name to remain in perpetual succession, with power to sue and be sued, plead and be impleaded, to acquire, hold and convey property, real and personal, to have and use a common seal, to alter the same at pleasure, and to make and alter such by-laws as they may deem necessary for the government of said institution: *Provided*, such by-laws be not inconsistent with the constitution and laws of the United States or of this state. For the present, the individuals above named shall constitute the board of trustees, with power to fill the remaining vacancies at their discretion. The trustees, in order to have perpetual succession, shall have power, as often as a trustee shall be removed from office, die, resign or move out of the state, to appoint a resident of this state to fill the vacancy in the board. The number of trustees shall not exceed eighteen, nor be less than nine. One third of the trustees for the time being shall be a quorum to do business.

Proviso.

Board trustees.

Vacancies.

Property.

Religious faith.

Location.

Right to acquire property.

§ 2. The trustees shall hold the property of said institution solely for the purpose of education, and not as stocks for the individual benefit of themselves or of any contributor to the endowment of the same; and no particular religious faith shall be required of those who shall become trustees or students of the institution.

§ 3. Said institution shall remain located on its present site, adjoining the plat of the town of Granville, in Putnam county, and the said trustees shall be competent in law and equity to take to themselves and their successors in office, in their said corporate name, any estate, real, personal or mixed, by the gift, grant, bargain and sale, conveyance, will, devise or bequest, of any person or persons

whomsoever, and the same estate, whether real or personal, to grant, bargain, sell, convey, demise, let, place out on Conveyances. interest, or otherwise dispose of, for the use of said institution, in such manner as shall seem to them most beneficial for the institution. Said trustees shall faithfully apply all funds collected, or the proceeds, according to their best Application of funds. judgment, in erecting and completing suitable buildings, or in purchasing land for the necessary use of said corporation, and supporting the necessary officers, instructors, instructresses, assistants and servants, and procuring books, maps, philosophical and other apparatus necessary to the success of said institution: *Provided*, that in case any Proviso. donation, devise or bequest shall be made for any particular purpose, accordant with the design of this institution, and the corporation shall accept the same, every donation, devise or bequest so made shall be applied in conformity with the express conditions of the donor or deviser.

§ 4. The treasurer of this institution always, and all Bonds. other agents when required, before entering on the duty of their appointment, shall give bond for the security of the corporation, in such penal sums and with such securities as the board of trustees shall approve, and all process against Legal process. the corporation shall be by summons, and the service of the same shall be by leaving an attested copy thereof with the treasurer, at least thirty days before the return thereof.

§ 5. The trustees shall have power to employ and ap- Trustees. point a principal for said institution, and also such instructors and assistants as may be necessary, and shall have power to displace any or either of them, as they may deem the interest of the institution may require, to fill all vacancies which may occur by death, resignation or otherwise among said officers, and to prescribe and direct the course of study to be pursued in said institution.

§ 6. The lands within the bounds of this state, held in Limitation of real estate. perpetuity by this charter, shall not exceed one thousand acres held at any one time: *Provided*, if donations in land Proviso. shall be made at any time to said corporation, which shall increase the quantity to more than one thousand acres, the same may be received and held in trust by said board of trustees, and shall be sold within five years from the date of such donation, for the benefit of said institution; in failure whereof the lands so given shall revert to the donor or grantor of the same, and the said trustees shall in no case lease or rent out any lands so held in trust as last aforesaid.

§ 7. This act shall take effect and be in force from and after its passage.

§ 8. The act incorporating Granville Academy, ap- Act repealed. proved January thirty-first, eighteen hundred and thirty-seven, is hereby repealed.

APPROVED Feb. 12, 1851.

In force Feb. 12, 1851. AN ACT entitled an act to incorporate the Illinois and Wisconsin Railroad Company.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Neill Donnelly, Phineas H. Platt, Enos W. Smith, Henry Sherman, John McClure, Itherian Taylor, Josiah D. Wight, Lindsey Joslyn, Michael A. McCahill, George H. Bently, Joseph Goldin, William Sloan, Martin Small, and their associates, successors and assigns, be and they are hereby authorized and empowered to associate themselves together by the name and style of the "Illinois and Wisconsin Railroad company," with all the rights, privileges and immunities that may be acquired by any railroad company under and by virtue of the provisions of an act entitled "An act to provide for a general system of railroad incorporations," approved Nov. 5th, 1849; and the said company, when organized under the provisions of said act, are hereby authorized to take private property, in the manner prescribed by said act, for the purpose of building and maintaining a railroad from the north line of the county of McHenry, in the state of Illinois, thence to the village of Woodstock in said McHenry county, thence to such point on the Chicago and Galena Union railroad as may be deemed practicable to form a junction with the above named Chicago and Galena Union Railroad company, in the counties of Cook, Kane and McHenry. And it is further provided, that the said Illinois and Wisconsin Railroad company may have power, and they are hereby authorized, to unite and form a junction with any other railroad company in the counties of Kane and Cook, on such conditions as the said Illinois and Wisconsin Railroad company may deem proper. And it is further provided, that the said Illinois and Wisconsin Railroad company are hereby authorized and empowered to unite or consolidate their road with any railroad company now incorporated, or that may hereafter be incorporated in the state of Wisconsin, and place the said road when consolidated under the control and supervision of a joint board of directors, upon such conditions, provisions and limitations as may be mutually agreed upon by said railroad com-

Statement of companies.
capital stock,
&c.

§ 2. The said Illinois and Wisconsin railroad, when organized as aforesaid, shall make out a statement and forward it to the secretary of this state, at the end of each year, showing the amount of capital stock of said company, and the amount of indebtedness and resources of said company, taking the aggregate amount of expenditures, receipts and resources per mile of the whole distance of said road in this state, any thing in the twenty-eighth and twenty-ninth sections of the general railroad law of the state of Illinois, approved November fifth, one thousand eight hundred and forty-nine, to the contrary notwithstanding.

§ 3. The said Illinois and Wisconsin Railroad company shall have full power, and they are hereby authorized, at any future time, not to exceed fifty years, if they should deem it practicable, to extend their railroad from the village of Woodstock, in the county of McHenry, in this state, to the city of Chicago, in the county of Cook; and they shall have full power to unite or connect with any company or corporation associated together for railroad purposes in said city of Chicago, and county of Cook, and the said company may unite or connect with any railroad company or corporation running from the south part of this state and terminating at Chicago, or with any company or corporation running from the east, through the state of Indiana, and terminating at Chicago or passing through Chicago. Extension.

§ 4. The capital stock of said company is not to exceed one million of dollars, and this charter shall expire at the end of fifty years. Limitation of capital stock.

§ 5. This act to take effect from and after its passage.
APPROVED Feb. 12, 1851.

AN ACT to vacate a part of the town plat of Woodstock, in the county of McHenry. In force Feb. 12, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That that part of the town plat of Woodstock, in the county of McHenry, lying north of Jackson street and west of Hayward street, and that part of Hayward street lying north of Judd street, and that part of Calhoun street lying west of Hayward street and West street, in said Woodstock, be and the same is hereby declared to be vacated. Part of town plat vacated.

APPROVED February 12, 1851.

AN ACT concerning the bridge across Fox river at Elgin, Kane county.

In force Feb. 12, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the commissioners of highways of the town of Elgin, in the county of Kane, be and are hereby empowered to levy a tax upon the property of said town, for an amount sufficient to pay the indebtedness of said town on account of the construction of the bridge across Fox river at Elgin, in the year one thousand eight hundred and forty-nine. Tax.

Assessment.

§ 2. Said tax shall be levied from the assessment of the year A. D. one thousand eight hundred and fifty, as taken by the town assessor.

Authority to collector.

§ 3. The town collector is hereby authorized to collect said tax, and the tax list put into his hands by the commissioners aforesaid, and certified by them, shall be a sufficient warrant for him so to do, and for such purpose he is invested with the same powers and duties as he has in the collection of state and county taxes.

Bond.

§ 4. The collector shall give bonds and shall pay into the hands of said commissioners all said moneys that are collected in said list, within ninety days from the time of receiving the list.

Disbursement.

§ 5. The moneys shall be disbursed by the commissioners, and their accounts thereof audited by the town board of auditors, at their next meeting thereafter.

§ 6. This act shall take effect and be in force from and after its passage.

APPROVED February 12, 1851.

In force Feb. 12, 1851. AN ACT to authorize Thomas S. Parks to keep a ferry across the Mississippi river.

License.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That Thomas S. Parks, of the county of Jo Daviess, is hereby authorized and licensed to keep and maintain a ferry across the Mississippi river, from a point at or near the jurisdiction line of the counties of Jo Daviess and Carroll, on the Mississippi river, called Huntsville, to a point at or near the mouth of the Great Moquewketa river, on the opposite side of said river, in the county of Jackson, in the state of Iowa. And the said Thomas S. Parks, his heirs and assigns, shall have the exclusive right of having, maintaining and using a ferry across the said river, for three miles above and below the place or points aforesaid, and to have and receive all advantages and emoluments arising from the use of said ferry, for and during the period of fifteen years: Provided, however, that the county court of Jo Daviess county shall have the right to assess an annual tax on said ferry, not exceeding ten dollars. And this act shall be deemed a contract between the state and said Parks, his heirs or assigns; the said Parks, his heirs and assigns agreeing on his or their part, in consideration of the privileges granted, to keep the said ferry and use the same according to the laws of the state regulating ferries.*

Limitation.

Proviso.

§ 2. This act may be repealed, altered, amended or Right to repeal. modified, whenever the public good may require.

This act shall take effect and be in force from and after its passage.

APPROVED Feb. 13, 1851.

AN ACT to amend the act incorporating Jacksonville.

In force Feb. 13, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the twenty-first section of the act entitled "An act better to provide for the incorporation of the town of Jacksonville," in force on the tenth day of February, one thousand eight hundred and forty-nine, shall be and the same is hereby repealed; and the president and trustees of the town of Jacksonville are vested with power to create such subordinate offices, and appoint and remove at pleasure the officers, as they shall determine to be necessary to the accomplishment of the objects and ends of the act of incorporation, and to provide for the fees and compensation of said officers, and to regulate their duties. Act repealed.
Subordinate officers.

§ 2. The limits and bounds of the said corporation of Jacksonville shall be and the same are hereby extended one half mile in each direction, so that the limits of the corporation shall be two miles square; and the corporation shall be bound to keep the roads in repair to the extent of the boundary thereof, and no further. Limits extended.

§ 3. The president and trustees of said town shall not have power to extend the streets and alleys of said town, open any new street or alley through private property, unless with the consent of the owners thereof; and no lands used and cultivated for agricultural purposes, within the corporate limits, shall be subject to a corporation tax. Extension of streets.

This act shall take effect on the passage thereof.

APPROVED Feb. 13, 1851.

AN ACT to legalize the incorporation of the city of Belleville, and the official acts of the city council of said city, and to empower said city to borrow money at a rate of interest not exceeding ten per centum per annum. In force Feb. 13 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the incorporation of the town of Belleville as a city, on the thir- Incorporation legalised.

tieth day of March, A. D. one thousand eight hundred and fifty, in pursuance of the fifth section of an act entitled "An act to incorporate towns and cities," passed February tenth, eighteen hundred and forty-nine, be and the same is hereby legalized.

Official acts legalized.

§ 2. That all the official acts of the city council and mayor, or either of them, of said corporation, done since the election of its members, and which, in case of the original legality of said incorporation, would have been according to law up to the period when this act shall take effect, be and the same are hereby legalized.

Authority to borrow money.

§ 3. That the third section of the fifth article of the charter of said city of Belleville be so amended as to authorize and empower said city of Belleville to borrow money, at a rate of interest not exceeding ten per centum per annum.

§ 4. This act to take effect from and after its passage.
APPROVED February 13, 1851.

In force Feb. 13,
1851.

AN ACT to aid the Jonesboro Plank Road Company.

Duty of inspectors.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the inspectors appointed by the county court of Union county to inspect the Jonesboro plank road, be required, when any one mile of the said road be completed, to inspect the same, as required by the twenty-fifth section of "An act to provide for the construction of plank roads by a general law."

Toll-gates.

§ 2. That upon filing the certificate of the inspectors, or a majority of them, as specified in the twenty-sixth section of the act above referred to, the said company may erect one or more toll-gates on the said road, and to receive the following rates of toll : for every vehicle drawn by one or two animals, five cents per mile ; for every vehicle drawn by three or four animals, ten cents per mile ; for every vehicle drawn by five or more animals, fifteen cents per mile ; for every five of neat cattle, ten cents per mile ; for every ten of sheep or swine, ten cents per mile ; for every horse and rider or led horse, five cents per mile.

Tolls.

§ 3. This act to take effect from and after its passage.
APPROVED Feb. 13, 1851.

AN ACT to vacate certain streets in the town of Oregon, in Ogle county, Illinois. In force Feb. 13, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the following named parts of streets in the town of Oregon, in Ogle county, Illinois, to wit: all that part of Franklin street lying east of block thirty-four and thirty-five, and that all part of Second street lying east of block thirty-five, and all of Water street from Washington street to the north line of said town, be and the same are hereby vacated. Parts of streets vacated.

This act to take effect from and after its passage.

APPROVED February 13, 1851.

AN ACT supplemental to an act entitled "An act to incorporate the Terre Haute and Alton Railroad Company." In force Feb. 13, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That upon the request of said company, in writing, it shall be the duty of the governor to offer at public sale, to the highest bidder, for any state indebtedness, payable in twelve months after the day of sale, all the materials, stone, embankments, excavations and grading obtained, furnished, done and owned by or in behalf of the state of Illinois for or on account of the Central branch railroad, from Shelbyville to the state line of Indiana, or the railroad from Lower Alton to intersect the Central railroad; and that the governor shall give sixty days' notice of the time and place of such sale, by publication in one newspaper published in the city of Alton, and one in Charleston, Illinois, and he shall execute a certificate to the purchaser thereof, which shall vest in the purchaser all the right of the state thereto and therein. Sale of materials, &c., by the state.

§ 2. That for the sole purpose of aiding in the location and construction of the railroad mentioned in the act to which this is a supplement, the right of way over and through any lands owned by the state is hereby ceded and granted to said corporation. Right of way.

§ 3. This act shall be in force from and after its passage.

APPROVED Feb'y 13, 1851.

In force Feb. 14,
1851.

AN ACT to incorporate the Icarian Community.

- Corporation.** SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Etienne Cabet, J. Pendant, P. J. Tavad, Andre Thebant, Alfred Pignnard and Jean J. Witzig, and their associates and successors, be and they are hereby constituted a body politic and corporate, by the name and style of the "Icarian Community," and by that name they and their successors shall and may have perpetual succession, shall be capable of suing and being sued, defending and being defended, pleading and being impleaded, answering and being answered, within all courts and places whatsoever; they may have a common seal and alter or change the same at pleasure; may purchase and hold or convey real and personal estate necessary to promote and fully carry out the objects and interests of said corporation, but for no other purpose.
- Powers,**
- Capital stock.** § 2. The capital stock of said company shall be one hundred thousand dollars, with the privilege of increasing the same to five hundred thousand, to be divided into shares of one hundred dollars each, but no one individual shall own more than one share. In all elections or questions to be decided by a vote of said company, each share, when owned by an adult male, shall have one vote, which must be cast in person.
- Votes.**
- Business.** § 3. The business of said company shall be manufacturing, milling, all kinds of mechanical business and agriculture.
- Directors.** § 4. The said company shall have six directors, to be elected annually, one of whom shall be president, who shall have the management of the concerns of said company, subject to the by-laws to be adopted.
- Commissioners.** § 5. The persons named in the first section of this act shall be commissioners to take subscriptions and organize said company, and shall be the directors thereof until directors shall be elected. The stock of said company shall be assignable, subject, however, to the regulations of the by-laws relating thereto.
- By-laws.** § 6. The said company may pass such by-laws concerning the government of the property and business of said company, and regulating its internal policy, and for other purposes directly connected with the business and management of said company, as they may deem proper, not inconsistent with the constitution and laws of this state.
- Right to repeal.** § 7. This act shall be deemed and taken as a public act, and shall be construed liberally for the benefit of said company: *Provided,* that the legislature shall have power to alter, amend, modify or repeal the same whenever the public good shall require.

This act shall take effect sixty days after its passage.

APPROVED Feb. 13, 1851.

AN ACT to charter the City of Peru.

In force March
15, 1851, if ap-
proved by the
people of Peru.**ARTICLE FIRST.—Of Boundaries and General Powers.**

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Peru, in the county of LaSalle, ^{Body politic and corporate.} and state of Illinois, be and they are hereby constituted a body politic and corporate, by the name and style of the "City of Peru," and by that name shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

§ 2. All that district of country embraced within the following limits, to wit: the south half of section number ^{Limits.} sixteen, the south-east quarter of section number seventeen, and the north-east fractional quarter of section number twenty, and all of section number twenty-one, north of the Illinois river. Said boundaries to extend to the south side of the Illinois river.

§ 3. The present board of trustees of the town of Peru shall, on the first Monday of April next, divide the said city ^{Wards.} of Peru into two wards, as nearly equal in population as practicable, particularly describing the boundaries of each.

§ 4. Whenever any tract of land adjoining the city of Peru shall be laid off into town lots, and duly recorded, as ^{Additions.} required by law, the same shall be annexed to and form a part of the city of Peru.

§ 5. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to plead ^{Powers.} and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatever; to purchase, receive and hold property, real and personal, in said city; to purchase, receive and hold property, both real and personal, beyond the city, for burial grounds and for other public purposes, for the use of the inhabitants of said city; to sell, lease and convey or dispose of property, real and personal, for the benefit of the city, and to improve and protect such property, and to do all other things in relation thereto as natural persons.

ARTICLE SECOND.—Of the City Council.

SECTION 1. There shall be a city council, to consist of a mayor and board of aldermen.

^{Officers.}

§ 2. The board of aldermen shall consist of two members from each ward, to be chosen by the qualified voters, for two years.

§ 3. No person shall be an alderman unless at the time of his election he shall have resided six months within the ^{Qualification.} limits of the city, and shall be at the time of his election twenty-one years of age, and a citizen of the United States.

Vacation of office.	§ 4. If any alderman shall, after his election, remove from the ward for which he is elected, his office shall be thereby declared vacated.
Tenure.	§ 5. At the first meeting of the city council, the aldermen shall be divided, by lot, into two classes—the seats of those of the first class shall be vacated at the expiration of the first year, and of the second class at the expiration of the second year, so the half of the board shall be elected annually.
Determination of qualifications.	§ 6. The city council shall judge of qualifications, elections and returns of their own members, and shall determine all contested elections.
Quorum.	§ 7. A majority of the city council shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.
Powers.	§ 8. The city council shall have power to determine the rule of its proceedings, punish its members for disorderly conduct, and with the concurrence of two-thirds of the members elected, expel a member.
Journal.	§ 9. The city council shall keep a journal of its proceedings, and from time to time publish the same, and the yeas and nays, when demanded by any member present, shall be entered upon the journal.
Disqualification.	§ 10. No alderman shall be appointed to any office under the authority of the city, which shall have been created, or the emoluments of which shall have been increased, during the time for which he shall have been elected.
Vacancies.	§ 11. All vacancies that shall occur in the board of aldermen shall be filled by election.
Oath.	§ 12. The mayor and each alderman, before entering upon the duties of their office, shall take and subscribe an oath that they will support the constitution of the United States, and of this state, and that they will well and truly perform the duties of their office to the best of their skill and ability.
Tie.	§ 13. Whenever there shall be a tie in the election of aldermen, the judges of election shall certify the same to the mayor, who shall determine the same by lot, in such manner as shall be provided by ordinance.
Meetings.	§ 14. There shall be twelve stated meetings of the city council in each year, at such times and places as may be prescribed by ordinance.

ARTICLE THIRD.—*Of the Chief Executive Officer.*

Mayor. SECTION 1. The chief executive officer of the city shall be a mayor, who shall be elected by the qualified voters of

the city, and shall hold his office for one year, and until his successor shall be elected and qualified.

§ 2. No person shall be eligible to the office of mayor ^{Eligibility.} who shall not have been a resident of the city for one year next preceding his election, or who shall be under twenty-one years of age, or who shall not at the time of his election be a citizen of the United States.

§ 3. If any mayor during the time for which he shall ^{Vacancy.} have been elected remove from the city, his office shall be vacated.

§ 4. When two or more persons shall have an equal ^{Tie.} number of votes for mayor, the judges of election shall certify the same same to the city council, who shall proceed to determine the same by lot, in such manner as may be provided by ordinance.

§ 5. Whenever an election of mayor shall be contested, ^{Contested elections.} the city council shall determine the same as may be prescribed by ordinance.

§ 6. Whenever any vacancy shall happen in the office ^{Vacancy, how filled.} of mayor, it shall be filled by election.

ARTICLE FOURTH.—*Of Elections.*

SECTION 1. On the first Monday of April next, an ^{Time of elections.} election shall be held in each ward of said city, for one mayor for the city, two aldermen for each ward, and forever thereafter, on the first Monday of April of each year, there shall be an election held for one mayor for the city, and one alderman for each ward; the first election for mayor and aldermen shall be held, conducted, and returns thereof made, as may be provided by ordinance of the present trustees of the town of Peru.

§ 2. All free white male inhabitants over the age of ^{Qualification of voters.} twenty-one years, who are entitled to vote for state officers, and who shall have been actual residents of said city ninety days next preceding said election, shall be entitled to vote for city officers: ^{Proviso.} *Provided*, that said voters shall give their votes for mayor and aldermen in the wards in which they shall respectively reside, and in no other, and that no vote shall be received at any of said elections unless the person offering such vote shall have been an actual resident of the ward where the same is offered, at least ten days next preceding such election.

ARTICLE FIFTH.—*Of the Legislative powers of the City Council.*

SECTION 1. The city council shall have power and au- ^{Tax.} thority to levy and collect taxes upon all property, real and personal, within the limits of the city, not exceeding one-

half per cent. per annum upon the assessed value thereof, and may enforce the payment of the same in any manner to be prescribed by ordinance, not repugnant to the constitution of the United States and of this state.

Officers.

§ 2. The city council shall have power to appoint a clerk, treasurer, assessor, marshal, supervisor of streets, and all such other officers as may be necessary.

Bonds.

§ 3. The city council shall have power to require of all officers appointed in pursuance of this charter, bonds with penalty and security, for the faithful performance of their respective duties, as may be deemed expedient, and also to require all officers appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices, before entering upon the discharge of the same; to establish, support and regulate common schools; to borrow money on the credit of the city, provided that no sum or sums of money shall be borrowed at a greater interest than at eight per cent. per annum, nor shall the interest on the aggregate of all the sums borrowed and outstanding ever exceed one half of the city revenue arising from taxes assessed on real property, within the limits of the corporation.

§ 4. To appropriate money and provide for the payment of the debts and expenses of the city.

§ 5. To make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws for that purpose, and enforce the same within five miles of the city.

§ 6. To establish hospitals and make regulations for the government of the same.

§ 7. To make regulations to secure the general health of the inhabitants, to declare what shall be a nuisance, and to prevent and remove the same.

§ 8. To provide the city with water, to erect hydrants and pumps in the streets, for the convenience of the inhabitants.

§ 9. To open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve and keep in repair, streets, avenues, lanes and alleys.

§ 10. To establish, erect and keep in repair bridges.

§ 11. To divide the city into wards, alter the boundaries thereof, and erect additional wards as the occasion may require.

§ 12. To provide for lighting the streets, and erecting lamp-posts.

§ 13. To establish, support and regulate night watchers.

§ 14. To erect market houses, to establish markets and market places, and provide for the government and regulation thereof.

§ 15. To provide for the erection of all needful buildings for the use of the city.

§ 16. To provide for enclosing, improving and regulating all public grounds belonging to the city.

§ 17. To improve and preserve the navigation of the Illinois river within the limits of the city.

§ 18. To erect, repair and regulate public wharves and docks, to regulate the erection and repair of private wharves, and the rates of wharfage thereat.

§ 19. To license, tax and regulate auctioneers, merchants, retailers, grocers, taverns, ordinaries, hawkers, pedlers, brokers, pawn-brokers and money changers.

§ 20. To license, tax and regulate hackney carriages, waggons, carts and drays, and fix the rates to be charged for the carriage of persons, and for the waggonage, cartage and drayage of property.

§ 21. To license and regulate porters and fix the rate of portorage.

§ 22. To license, tax and regulate theatrical and other exhibitions, shows and amusements.

§ 23. To tax, restrain, prohibit and suppress tippling houses, dram shops, and gaming houses, and bawdy houses, and other disorderly houses.

§ 24. To provide for the prevention and extinguishment of fires, and to organize and establish fire companies.

§ 25. To regulate or prohibit the erection of wooden buildings in any part of the city.

§ 26. To regulate the fixing of chimneys, fix the flues thereof.

§ 27. To regulate the storage of gunpowder, tar, pitch, rosin, and other combustible materials.

§ 28. To regulate and order parapet walls, and partition fences. Enumeration of powers.

§ 29. To establish standard weights and measures, and regulate the weights and measures to be used in the city, in all cases not otherwise provided for by law.

§ 30. To provide for the inspection and measuring of lumber and other building materials, and for the measurement of all kinds of mechanical work.

§ 31. To provide for the inspection and weighing of hay and stone coal, the measurement of charcoal, fire-wood, and other fuel, to be sold or used within the city.

§ 32. To provide for and regulate the inspection of tobacco, and of beef, pork, flour, meal and whiskey in barrels.

§ 33. To regulate the inspection of butter, lard and other provisions.

§ 34. To regulate the weight, quality and price of bread to be sold and used in the city.

§ 35. To regulate the size of bricks to be sold or used in the city.

§ 36. To provide for the taking enumerations of the inhabitants of the city.

§ 37. To regulate the election of city officers, and provide for removing from office any person holding an office created by ordinance.

§ 38. To fix the compensation of all city officers, and regulate the fees of jurors, witnesses and others, for services rendered under this act, or any ordinance.

§ 39. To regulate the police of the city, to impose fines, and forfeitures, and penalties, for the breach of any ordinance, and to provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties.

Exclusive powers. § 40. The city council shall have exclusive power within the city, by ordinance, to suppress and restrain billiard tables.

§ 41. The city council shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, so that such ordinance be not repugnant to nor inconsistent with the constitution of the United States or of this state.

Style. § 42. The style of the ordinances of the city shall be, "Be it ordained by the city council of the city of Peru."

Publication of ordinances. § 43. All ordinances past by the city council shall, within one month after they shall have been passed, be published in some newspaper published in the city, and shall not be in force until they shall have been published as aforesaid.

Ordinances, how proven. § 44. All ordinances of the city may be proven by the seal of the corporation, and when printed and published in book or pamphlet form, and purporting to be printed and published by authority of the corporation, the same shall be received in evidence in all courts and places without further proof.

§ 45. The city council shall have power to establish ferries, license and regulate the same on the Illinois river, within the limits of the city, for the benefit of the inhabitants and the public.

ARTICLE SIXTH.—*Of the Mayor.*

Mayor to preside. SECTION 1. The mayor shall preside at all meetings of the city council, and shall have a casting vote and no other; in case of non-attendance of the mayor at any meeting, the board of aldermen shall appoint one of their own number chairman, who shall preside at that meeting.

Special meetings. § 2. The mayor, or any two aldermen, may call special meetings of the city council.

§ 3. The mayor shall at all times be active and vigilant in enforcing the laws and ordinances for the government of the city; he shall inspect the conduct of all subordinate officers of said city, and cause negligence and positive violation of duty to be prosecuted and punished. He shall from time to time communicate to the aldermen such information, and recommend all such measures as in his opinion may tend to the improvement of the finances, the police, the health, security, comfort and ornament of the city. Duties of mayor.

§ 4. He is hereby authorized to call on every male inhabitant of said city, over the age of eighteen years, to aid in enforcing the laws and ordinances; and, in case of riot, to call out the militia to aid him in suppressing the same, or in carrying into effect any law or ordinance; and any person who shall not obey such call shall forfeit to said city a fine not exceeding five dollars. Power.

§ 5. He shall have power, whenever he may deem it necessary, to require of any of the officers of said city, an exhibit of his books and papers. Exhibit of books and papers.

§ 6. He shall have power to execute all acts that may be required of him by any ordinance made in pursuance of this act. Power.

§ 7. He shall be commissioned by the governor as a justice of the peace for the said city, and as such shall be a conservator of the peace for the said city, and shall have power and authority to administer oaths, issue writs and process under the seal of the city, to take depositions, the acknowledgment of deeds, mortgages, and all other instruments of writing, and certify the same under the seal of the city, which shall be good and valid in law. Commission.

§ 8. He shall have exclusive jurisdiction in all cases arising under the ordinances of the corporation, and concurrent jurisdiction with all other justices of the peace, in all civil and criminal cases within the limits of the city, arising under the laws of the state, and shall receive the same fees and compensation for his services in similar cases. Exclusive jurisdiction.

§ 9. He shall also have such jurisdiction as may be vested in him by ordinance of the city, in and over all places within five miles of the boundaries of the city, for the purpose of enforcing the health and quarantine ordinances and regulations thereof. Quarantine.

§ 10. He shall receive for his services such salary as shall be fixed by an ordinance of the city. Compensation.

§ 11. In case the mayor shall at any time be guilty of a palpable omission of duty, or shall wilfully and corruptly be guilty of oppression, malconduct, or partiality, in the discharge of the duties of his office, he shall be liable to be indicted in the circuit court of La Salle county, and, on conviction, he shall be fined not more than two hundred dollars, and the court shall have power, on the recommendation of Penalty for misconduct.

the jury, to add to the judgment of the court that he be removed from office.

ARTICLE SEVENTH.—*Of proceedings in Special Cases.*

Private property. **Damages.** SECTION 1. When it shall be necessary to take private property for opening, widening or altering any public street, lane, avenue or alley, the corporation shall make a just compensation to the person whose property is so taken, and if the amount of such compensation cannot be agreed on, the mayor shall cause the same to be ascertained by a jury of six disinterested freeholders of the city.

Petition. § 2. When the owners of all the property on a street, lane, avenue or alley proposed to be opened, widened or altered, shall petition therefor, the city council may open, widen or alter such street, lane, avenue or alley, upon condition to be prescribed by ordinance; but no compensation shall in such case be made to those whose property shall be taken for the opening, widening or altering such street, lane, avenue or alley, nor shall there be any assessment of benefits or damages that may accrue thereby to any of the petitioners.

Juries. § 3. All jurors empaneled to inquire into the amount of benefits or damages which shall happen to the owners of property proposed to be taken for opening, widening or altering any street, lane or alley, shall first be sworn to that effect, and shall return to the mayor their inquest in writing, and signed by each juror.

Duty of juries. § 4. In ascertaining the amount of compensation for property taken for opening or widening or altering any street, lane, avenue or alley, the jury shall take into consideration the benefit as well as the injury happening by such opening, widening or altering such street, lane, avenue or alley.

Power of mayor. § 5. The mayor shall have power, for good causes shown, within ten days after any inquest shall have been returned to him, as aforesaid, to set the same aside, and cause a new inquest to be made.

Special tax. § 6. The city council shall have power, by ordinance, to levy and collect a special tax on the holders of the lots in any street, lane, avenue or alley, or part of any lane, avenue or alley, according to their respective fronts owned by them, for the purpose of paving and grading the side-walks and lighting said street, lane, avenue or alley.

ARTICLE EIGHTH.—*Miscellaneous Provisions.*

Road labor. SECTION 1. The inhabitants of the city of Peru are hereby exempted from working on any road beyond the

limits of the city, and from paying any tax to procure laborers to work upon the same.

§ 2. The city council shall have power, for the purpose Street labor. of keeping the streets, lanes, avenues and alleys in repair, to require every male inhabitant in said city, over twenty-one years of age, to labor on said streets, lanes, avenues and alleys, not exceeding three days in each and every year; and any person failing to perform such labor, when duly notified by the supervisor, shall forfeit and pay the sum of one dollar per day, for each day so neglected or refused.

§ 3. The city council shall have power to provide for Fines, &c. the punishment of offenders, by imprisonment in the county or city jail, in all cases where such offenders shall fail or refuse to pay the fines and forfeitures which may be recovered against them.

§ 4. The city council shall cause to be published, an- Annual state- nually, a full and complete statement of all moneys received ment. and expended by the corporation during the preceding year, and on what account received and expended.

§ 5. All ordinances and resolutions passed by the pres- Ordinances. ident and trustees of the town of Peru, shall remain in force until the same shall have been repealed by the city council hereby created.

§ 6. All suits, actions and prosecutions instituted, com- Suits. menced, or brought by the corporation hereby created, shall be instituted, commenced and prosecuted in the name of the city of Peru.

§ 7. All actions, fines, penalties and forfeitures which Actions. have accrued to the president and trustees of the town of Peru, shall be vested in and prosecuted by the corporation hereby created.

§ 8. All property, real and personal, heretofore belong- Property of for- ing to the president and trustees of the town of Peru, for mer corpora- the use of the inhabitants of said town, shall be and the tion. same are hereby declared to be vested in the corporation hereby created.

§ 9. This charter shall not invalidate any act done by Former acts the president and trustees of the town of Peru, nor divest valid. them of any rights which may have accrued to them prior to the passage of this act.

§ 10. The president and trustees of the town of Peru Promulgation shall, immediately after the passage of this act, take meas- of law. ures to promulgate this law within the limits of the city of Peru, and issue their proclamation for the election of officers, and cause the same to be published in all the newspapers of said city, for two weeks in succession, prior to the day of election for said officers.

§ 11. Appeals shall be allowed from decisions in all Appeals. cases arising under the provisions of this act, or any ordinance passed in pursuance thereof, to the circuit court of

La Salle county, and every such appeal shall be taken and granted in the same manner and with like effect as appeals are taken from and granted by justices of the peace to the circuit court under the laws of this state.

Mayor pro tem. § 12. Whenever the mayor shall absent himself from the city, or shall resign or die, or his office shall be otherwise vacated, the board of aldermen shall immediately proceed to elect one of their number president, who shall be mayor *pro tem*.

Public act. § 13. This act is hereby declared to be a public act, and may be read in evidence in all courts of law and equity within this state, without proof.

Former acts repealed. § 14. All acts or parts of acts coming within the provisions of this charter, or contrary to or inconsistent with its provisions, are hereby repealed.

City marshal. § 15. The city marshal or any other officer authorized to execute writs or other process issued by the mayor, shall have power to execute the same any where within the limits of the county of La Salle, and shall be entitled to the same fees for travelling as are allowed to constables in similar cases.

Subscription of stock. § 16. That the city of Peru, through the common council of said city, are hereby authorized to subscribe to the capital stock of the Rock Island and La Salle Railroad company, twenty-five thousand dollars, and fifty thousand dollars to any other railroad terminating at the city of Peru; and for the purpose of paying such subscription, said city of Peru through its common council, are hereby authorized to make and issue the bonds of said city, bearing interest at a rate not exceeding six per centum per annum, payable to said company, or any other person or persons or body corporate: *Provided, however,* whenever such subscription is proposed to be made, it shall be the duty of the common council of the city of Peru, to order a vote of the taxable inhabitants of the city of Peru, who are entitled to vote in said city, by publication of notice in a public newspaper printed in said city, stating that upon a certain day, not less than thirty days from such publication, a vote of the taxable inhabitants of the city of Peru, entitled to vote, will be held, to decide whether the city of Peru shall subscribe as proposed by the common council; said publication stating the amount proposed to be subscribed, the company and the amount and the terms of the bonds proposed to be issued; said vote shall be taken by ballot, at the usual place of election, and if the majority of the votes cast shall be in favor of the proposition of the common council, then the subscription shall be made, otherwise the common council shall proceed no further with the same.

Vote. § 17. The president and trustees of the town of Peru shall cause an election to be held in said town, on the fif-

Election.

teenth day of March next, at which the inhabitants residing within the territory described in the second section of the first article of this act, who are authorized to vote for state officers, shall vote for or against the adoption of this charter; and if a majority of the votes given at such election shall be in favor of the adoption of said charter, said charter shall immediately take effect as a law; but if a majority of the votes given shall be against the adoption of said charter, then this act to be of no effect.

APPROVED February 13, 1851.

AN ACT establishing a ferry across the Illinois river at Naples, in Scott county. In force March 3, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Murray McConnell is hereby authorized to establish a ferry ^{Ferry authorized.} across the Illinois river, between the towns of Naples and Columbus, in Scott county, on the east side of the Illinois river, and the county of Pike, on the west side of the river, from and to any land belonging to said McConnell on either side of said river at and opposite said places, and to ^{Rates of ferriage.} charge such rates of ferriage as have heretofore been allowed at the Naples ferry.

§ 2. Said McConnell, his heirs and assigns, shall have ^{Dykes, &c.} the right to make all the necessary dykes, embankments and other improvements, that he or they may deem necessary to ensure the safety and convenience of persons and property crossing said ferry; which improvements may be erected in any public street or road leading to said river, or upon the land of the said McConnell over which no street or road may pass; and with the same object the said McConnell may make new roads, and repair the present roads leading to and from said ferry, and the same rates of tax as heretofore assessed by the counties of Scott and Pike upon the Naples ferry shall continue to be paid by the owner of the ferry hereby established, and no other or greater tax; and which tax, when assessed, may be paid by repairing the streets and roads aforesaid.

§ 3. *Be it further enacted,* That sections three, four, ^{Provisions of Rev. Statute.} five, eight, nine, eleven, twelve and sixteen of chapter forty-two of the Revised Statutes of eighteen hundred and forty-five, in relation to toll-bridges and ferries, are here referred to and made a part of this act, so far as said sections are applicable to ferries. This act is declared to be a public act, and shall take effect and be in force ~~from~~ after the third day of March next.

APPROVED Feb. 13, 1851.

In force February 14, 1851.

AN ACT to discharge Henry W. Dorsett and his sureties.

Preamble.

Whereas Henry W. Dorsett, late sheriff of Lake county, while on his way from said county to the seat of government, with the design and intention of settling with the proper officers, and paying over to them the amount due the state of the revenue collected by him as such sheriff, was robbed of the sum of three thousand six hundred and three dollars, without any fault or negligence on his part; which said sum, with a certificate of the warden of the penitentiary for the sum of one hundred and fourteen dollars, to which the said Henry W. Dorsett was entitled, as a charge against the state, was more than sufficient to pay off and satisfy all claims due from him to the state, by virtue of his said office; therefore,

Release of liability.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the said Henry W. Dorsett and his sureties be released and discharged from all liability to the state upon the bond given by the said Henry W. Dorsett, as sheriff of Lake county, for the taxes due the state of Illinois for the year of our Lord one thousand eight hundred and forty-nine.

APPROVED Feb. 14, 1851.

In force February 14, 1851.

AN ACT to amend "An act entitled an act authorizing David and Samuel Mitchell to establish a ferry across the Mississippi river at Albany, in Whiteside county."

Continuance of act.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the said act be and the same is hereby continued in force and amended so as to authorize said Samuel Mitchell to keep said ferry for and during the term of fifteen years from and after the twenty-sixth day of February, A. D. 1851.

APPROVED Feb. 14, 1851.

In force February 14, 1851.

AN ACT to amend "An act to incorporate the colleges therein named," and the amendments thereto.

Number of trustees increased.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the act entitled "An act to incorporate the colleges therein named," approved February 9, 1835, and the several acts amendatory thereto, be and the same are so amended that

the number of trustees of "Shurtliff College," denominated in said act "Alton College of Illinois," may be increased to thirty-one: *Provided*, that not less than seven, under the *Proviso*. by-laws of said college, form a quorum for the transaction of business.

This act to take effect from its passage.

APPROVED February 14, 1851.

AN ACT to vacate certain public lots in the town of Como, Whiteside county. In force February 14, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That blocks four and nine in the town of Como, county of Whiteside, and state of Illinois, or so much thereof as are recorded on the plat or map of said town, in the recorder's office of said county, as public land or ground, be vacated so far as the same are declared to be public lands or ground, and that the same shall belong to the proprietor or proprietors of said town the same as if the said blocks, or any part thereof, had not been so platted and recorded as public land or ground, or to their grantee or grantees, assign or assigns, and that all *bona fide* conveyances and grants of lots of land in said blocks, or any part thereof, heretofore or hereafter made, be as good and effectual as if the same had not been platted and recorded as public ground: *Pro-Provido*. *vided, always*, that this act shall not in anywise affect any streets or alleys laid out upon said blocks, or either of them.

APPROVED February 14, 1851.

AN ACT to authorize Bryan Shawnessy and Henry Simmons to establish a ferry on the Ohio river. In force February 14, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That Bryan Shawnessy and Henry Simmons, their heirs and assigns, be *Ferry authorized*. and they are hereby authorized to establish and keep a ferry across the Ohio river, at the town of Cairo, in the county of Alexander, and are hereby authorized to land their ferry boats, with teams, stock, carriages, waggons, and passengers, at the public landing place at the town aforesaid, occupying no more of the landing than is reasonably necessary for that purpose; and should the same become obstructed by sand-bars or otherwise, then they are hereby

authorized to remove their landing place to some other convenient point on the public landing, suitable to carry on their ferry privilege, and to use the same for that purpose.

Boats.

§ 2. They shall at all times keep on hand a sufficient number of good and sufficient boats so as to afford a safe and speedy passage to all persons wishing to cross with their teams, stock, carriages, waggons or otherwise, and a sufficient number of hands for that purpose.

Ferriage.

§ 3. The county court of Alexander shall have the power to fix and establish such rates of ferriage as they may think right and just, and shall also have power to levy and collect from time to time such annual tax on said ferry as may be equitable and just.

Horse or steam power.

§ 4. If it should become necessary to use ferry boats propelled by horse or steam power, then they are hereby allowed the term of two years in which to prepare said boats.

Tax.

§ 5. The tax authorized to be levied by this act shall be paid to the county, and the county court is hereby required, before the said Shawnessy and Simmons exercise any of their rights under this act, to take a bond from them, payable to the county court, in such penal sum as the said court shall deem right, conditioned that the said Shawnessy and Simmons, their heirs and assigns, shall, at all times, keep on hand a sufficient number of good and sufficient boats at said ferry, and a sufficient number of hands, to afford a safe and speedy passage to all persons wishing to cross, together with their teams, carriages, waggons and stock, or otherwise; which bond may be sued on by any person or persons aggrieved, in the name of the county court, for his, her or their use.

Duration.

§ 6. The powers and privileges herein granted shall continue for the term of twenty-five years, and power is hereby reserved to the legislature to change the control of such ferry privilege from the county of Alexander to the city of Cairo, if deemed expedient so to do.

§ 7. This act to take effect and be in force from and after its passage.

APPROVED Feb. 14, 1851.

In force February 14, 1851. AN ACT to extend the time for the payment of certain judgments against the securities of Thomas M. White.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That John G. Vauters, Henry M. Wait, Martin Thrall, James M. Judd,*

Joel H. Johnson, Ithram Taylor, Elyathan J. Smith and Andrew Purvis, the securities of Thomas M. White, late collector of the revenue of McHenry county for the year eighteen hundred and forty-six, on his bonds as such collector, be and they are hereby allowed until the first day January, eighteen hundred and fifty-two, to satisfy a certain judgment rendered on such bonds in the circuit court for the county of Sangamon, on the twenty-third day of July, eighteen hundred and fifty, and that they be discharged from said bonds and judgment on payment to the auditor of this state, within the time aforesaid, the amount of nine hundred and twenty-two dollars and sixty-seven cents, together with six per cent. interest per annum, from the date of said judgment until paid.

Time extended
to securities.

§ 2. *And be it further enacted*, That Rodolphus Hutchinson, Lawrence S. Church, William Barnes, Enos W. Smith, Elyathan J. Smith, Martin Thrall and Henry D. Huff, the sureties of Thomas M. White, late collector of the revenue of McHenry county for the year eighteen hundred and forty-seven, on his bonds as such collector, be and they are hereby allowed until the first day of January, eighteen hundred and fifty-two to satisfy a certain judgment rendered on said bond in the circuit court for Sangamon county, on the twenty-third day of July, eighteen hundred and fifty, and that they be discharged from said bond and judgment on payment to the auditor of this state, within the time aforesaid, the amount of twenty-two hundred and forty-five dollars and ninety-four cents, together with six per cent. interest thereon per annum, from the date of said judgment until paid: *Provided*, that nothing in this act shall be construed to discharge the said Thomas M. White from said bonds or judgments, but he shall remain liable upon the same: *Provided*, that the said sureties are hereby released from the interest charges on said accounts and included in said judgments; and the auditor, upon final settlement, shall credit and allow the amount thereof to said sureties.

Extension of
time to other
securities.

Proviso.

APPROVED Feb. 14, 1851.

AN ACT to amend the Salisbury Plank Road Charter, approved Feb. 12, 1849. In force February 14, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the Salisbury Plank Road Charter be and the same is hereby so altered and amended as to authorize the termination of said plank road at any point upon the south side of the Illi-

Amendment.

nois river upon section twenty (20,) or twenty-one (21,) of township thirty-three (33) north, of range one (1,) east of the third principal meridian, in the county of La Salle.

Section repealed. § 2. Section four (4) of the act to which this is an amendment, shall be and the same is hereby repealed.

This act shall take effect from and after its passage.
APPROVED Feb. 14, 1851.

In force February 14, 1851. AN ACT to amend the act entitled "An act to authorize St. Clair county to establish a ferry across the Mississippi river," approved March 2, 1839.

Act amended. SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That so much of the act to which this is an amendment as requires the county of St. Clair to pay into the treasury of the state, at the end of each year, thirty per cent. on all the profits arising from the ferry authorized to be established by said act, be and the same is hereby repealed; and all the interest of the state of Illinois in the profits accrued or to arise from said ferry are hereby released to and vested in the county of St. Clair: *Provided,* that the said county shall pay into the state treasury, on demand of the auditor of state, whatever sum of money the state has expended for counsel fees, or otherwise, exceeding the sum received by the state on account of the said ferry; the amount of such expenditure to be certified by the governor to the auditor.

Proviso. § 2. The said ferry privilege and ferry shall be assessed and valued every year and taxed according to the value thereof as the property of individuals, and the right to require a further tax, under the provisions of the constitution, is hereby reserved to the state.

Taxation. § 3. This act to be in force from and after its passage.
APPROVED February 14, 1851.

In force February 14, 1851. AN ACT for the relief of the sureties of William Compber, late sheriff of Peoria county.

Preamble. Whereas William Compber, late collector of Peoria county, has absconded, leaving his securities liable to the state upon his official bond for the revenue collected by him for the year A. D. 1849; and whereas judgment has been rendered by the supreme court of this state against the

securities of the said Compher, for the amount of the revenue due the state for the year A. D. 1849 ; now, therefore,

Be it enacted by the people of the State of Illinois, represented in the General Assembly :

SECTION 1. That the securities of said Compher be and **Payment.** they are hereby required to pay the costs of said suit, and pay into the state treasury the sum of three thousand five hundred dollars, with interest thereon, on or before the thirty-first day of December, A. D. 1851, and that they pay the remaining balance of said judgment, three thousand five hundred and seventy-two dollars and forty-two cents, with **Extension.** interest thereon, into the state treasury, on or before the **Proviso.** thirty-first day of December, A. D. 1852.

§ 2. That the time shall be extended as aforesaid : *Pro-* **Further's proviso.** *vided,* that the judgment and execution issued thereon shall be and remain a lien upon all the real estate of said securities until the payment thereof : *Provided, further,* that if said securities shall well and truly comply with all the provisions of the first section of this act, then and in that case they shall be and hereby are released from all further liability on said judgment ; but if they shall fail or neglect so to do, then it shall be the duty of the auditor to proceed **Abatements.** with the collection of said judgment as now required by law.

§ 3. That the auditor be required to allow any abate- **Proviso.** ments that may be allowed by the county court or board of supervisors of Peoria county, for errors, removals, or insolvencies : *Provided,* the proof thereof be made on or before the 31st day of December, A. D. 1851.

APPROVED Feb. 14, 1851.

AN ACT to authorize Samuel R. Perry and John D. Fry to erect a pier or wharf on In force Febru-
the Illinois river, at Columbiana. ary 14, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Sam- **Wharf.** uel R. Perry and John D. Fry, of Greene county, Illinois, or either of them, are hereby authorized to erect a pier or wharf on the Illinois river, at Columbiana, in Greene county, commencing from the bank of the river, below the mouth of Calvin's slough, and extending at right angles with said bank to the channel of said river : *Provided,* that **Proviso.** the same shall not be so constructed as to obstruct the navigation of said river.

This act to be in force from and after its passage.

APPROVED Feb. 14, 1851.

In force February 14, 1851. AN ACT for the relief of the securities of David W. Hopkins, late sheriff of St. Clair county.

Authority to auditor. SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the auditor of state be and he is hereby authorized and empowered to audit and ascertain the indebtedness due the state of Illinois from David W. Hopkins, late sheriff of St. Clair county.

Time allowed. § 2. The securities of the said David W. Hopkins shall be allowed three years to pay to the state the amount of said deficiency, to be ascertained as above, in manner following: Said securities shall execute their three several promissory notes, for equal amounts, payable annually, with interest, to the treasurer of this state, with good and sufficient securities, to be by him approved, for the payment of such sum as may be found due the state upon the auditing of said account.

Taxes in arrear. § 3. The sheriff of St. Clair county is hereby authorized to collect all the taxes in arrear in said county for the years 1848 and 1849.

§ 4. This act to be in force from and after its passage.
APPROVED Feb. 14, 1851.

In force Feb. 14, 1851. AN ACT to reduce the law incorporating the City of Chicago, and the several acts amendatory thereof, into one act, and to amend the same.

CHAPTER I.—*City and Ward Boundaries.*

Boundaries. SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the district of country in the county of Cook and state of Illinois, known and described as follows, to wit: All that part of township thirty-nine north, range fourteen east of the third principal meridian, which lies north of the north line of sections twenty-seven, twenty-eight, twenty-nine and thirty, of said township, and the east half of section thirty-three, and fractional section thirty-four, in township forty north, range fourteen east, is hereby erected into a city, by the name of the "City of Chicago."

Incorporation. § 2. The inhabitants of said city shall be a corporation by the name of the "City of Chicago," and by that name sue and be sued, complain and defend in any court; make and use a common seal and alter it at pleasure, and take, hold, purchase, lease and convey, such real and personal or mixed estate as the purposes of the corporation may require, within or without the limits aforesaid.

§ 3. The city of Chicago shall be divided into nine Wards. wards, as follows :

First Ward. All that part of the city which lies south of the centre of Chicago river, and east of the centre of State street and a line running due south from the centre of the last named street, shall be denominated the first ward.

Second Ward. All that part of said city which lies south of the centre of said Chicago river, west of the first ward and east of the centre of Clark street and a line running due south from the centre of the last named street, shall be denominated the second ward.

Third Ward. All that part of said city which lies south of the centre of the said Chicago river, west of the second ward and east of the centre of Wells street and a line running due south from the centre of the last named street, shall be denominated the third ward.

Fourth Ward. All that part of said city which lies south of the centre of the said Chicago river, west of the third ward and east of the centre of the south branch of the Chicago river, shall be denominated the fourth ward.

Fifth Ward. All that part of said city which lies west of the centre of the south branch of the Chicago river and south of the centre of Randolph street and a line running due west from the centre of the last named street, shall be denominated the fifth ward.

Sixth Ward. All that part of said city lying west of the centre of Chicago river, and north and south branches thereof, and north of the centre of Randolph street, and a line running due west from the centre of the last named street, shall be denominated the sixth ward.

Seventh Ward. All that part of said city which lies east of the centre of the north branch of the Chicago river, and north of the centre of the Chicago river, and west of the centre of La Salle street and a line running due north of the last named street, shall be denominated the seventh ward.

Eighth Ward. All that part of said city which lies north of the centre of Chicago river and east of the seventh ward, and west of the centre of Wolcott street and a line running due north from the centre of the last named street, shall be denominated the eighth ward.

Ninth Ward. All that part of said city which lies north of the centre of the Chicago river, east of Wolcott street and a line running due north from the centre of the last named street, shall be denominated the ninth ward.

CHAPTER II.—*Officers: their Election and Appointment.*

Government.

§ 1. The municipal government of the city shall consist of a common council, composed of the mayor and two aldermen from each ward. The other officers of the corporation shall be as follows:

Officers.

A clerk; an attorney; a treasurer; a school agent; a marshal; a board of school inspectors; a board of health; one chief, and a first and second assistant engineers of the fire department; one or more collectors, one or more surveyors; one street commissioner and one assessor for each natural division of the city; one or more harbor masters; three trustees of schools for each school district; one or more health officers; one or more market clerks; three inspectors of elections for each ward; and as many firemen, fire wardens, constables, police men, watchmen, sealers of weights and measures, inspectors, measurers, weighers, gaugers, sextons or keepers of burial grounds; keepers and assistants of almshouses, workhouses, public buildings, hospitals and bridewell or house of correction; bellmen, common criers, scavengers, and such other officers and agents as the common council may, from time to time, direct and appoint.

Time of elections.

§ 2. An election shall be held in each of the wards of said city on the first Tuesday in March in each year, at such place as the common council may appoint, and of which six days' previous public notice shall be given in written or printed notices, in three public places in each ward, by the city clerk.

Officers to be elected.

§ 3. At the annual election there shall be elected by the qualified voters of said city, a mayor, marshal, treasurer, collector, surveyor, attorney, and chief and assistant engineers; and the person having the highest number of votes in the whole city for either of such offices, shall be declared elected. At the same time the electors in their respective wards shall vote for one alderman and one police constable; and the persons receiving the highest number of votes cast in the ward for such offices, respectively, shall be declared elected.

Street commissioners.

§ 4. There shall also be elected at such election, one street commissioner by the legal voters of the south division, being the first, second, third and fourth wards; one street commissioner by the legal voters of the west division, being the fifth and sixth wards; and one street commissioner by the legal voters of the north division, being the seventh, eighth and ninth wards of said city; and the person having the highest number of votes in each division, respectively, shall be declared elected.

Term of office.

§ 5. The officers elected by the people under this act, (except aldermen,) shall respectively hold their offices for

one year and until the election and qualification of their successors, respectively. All other officers mentioned in this act, (except aldermen and firemen,) and not otherwise specially provided for, shall be appointed by the common council by ballot, on the second Tuesday of March in each year, or as soon thereafter as may be, and respectively continue in office one year and until the appointment and qualification of their successors. But the council may specially authorize the appointment of watchmen by the mayor or marshal, to continue in office during the pleasure of the council: *Provided*, the mayor or marshal may be authorized by the council to remove for good cause. Officers elected or appointed to fill vacancies shall respectively hold for the unexpired term only, and until the election or appointment and qualification of their successors.

§ 6. The several wards of the city shall be respectively **Aldermen.** represented in the common council by two aldermen, who shall be residents thereof, and hold their offices respectively for two years from and after their election, and until the election and qualification of their successors. They shall be divided into two classes, consisting of one alderman from each ward, so that one from each ward may be annually elected. The first class shall be elected at the annual election in March next, and be successors to the members of the present common council, whose offices expire at that time. The second class shall be elected one year thereafter, and succeed those members who are entitled to hold over one year after the next election. The members of each class, hereafter elected, shall respectively continue in office two years. If from any cause there shall not be a quorum of aldermen, the clerk shall appoint the time and places for holding a special election, and appoint inspectors thereof, if necessary. If any alderman remove from the ward represented by him, his office shall thereby become vacant.

§ 7. If for any cause the officers herein named shall not be appointed on the second Tuesday in March, the common council may adjourn from time to time, until such appointments are made. If there should be a failure by the people to elect any officer herein required to be elected, the common council may forthwith order a new election. **Failure to elect or appoint officers.**

§ 8. Every person appointed to any office by the common council, or elected to any office by the people, may be removed from such office by a vote of two-thirds of all the aldermen authorized by law to be elected. But no officer shall be removed except for cause, nor unless first furnished with the charges and heard in his defence, and the common council shall have power to compel the attendance of witnesses and the production of papers, when necessary for the purposes of such trial, and shall proceed, within ten **Removal from office.**

days, to hear and determine upon the merits of the case, and if such officer shall neglect to appear and answer to such charges, then the common council may declare the office vacant: *Provided*, this section shall not be deemed to apply to any officer appointed by the common council; such officer may be removed at any time by a vote of two-thirds as aforesaid, in the discretion of the council, but any officer may be suspended until the disposition of charges when preferred.

Vacancies.

§ 9. Whenever any vacancy shall happen by the death, removal, resignation or otherwise, of any officer elected by the people, such vacancy shall be filled by a new election, and the common council shall order such new election within ten days after the happening of such vacancy. Any vacancy occurring by the death, removal or resignation of any officer authorized to be appointed by the common council, may be filled by appointment of the council, but no special election shall be held to fill vacancies (except of mayor or aldermen) if more than six months of the term have expired.

**Qualification
for office.**

§ 10. All citizens of the United States qualified to vote at any election held under this act shall be qualified to hold any office created by this act, but no person shall be eligible to any office or place under this or any other act in relation to said city, who is now or may hereafter be a defaulter to said city, or to the state of Illinois, or any county thereof; and any person shall be considered a defaulter who has refused or neglected, or may hereafter refuse or neglect, for thirty days after demand made, to account for and pay over to the party authorized to receive the same, any public money which may have come into his possession. And if any person holding any such office or place shall become a defaulter whilst in office, the office or place shall thereupon become vacant.

Tie.

§ 11. When two or more candidates for an elective office shall have an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council.

**Mode of conducting
elections.**

§ 12. The manner of conducting and voting at elections to be held under this act; and contesting the same, the keeping of the poll lists, canvassing of the votes and certifying the returns, shall be the same, as nearly as may be, as is now or may hereafter be provided by law at general state elections: *Provided*, the council shall have power to regulate elections. The voting shall be by ballot, and the inspectors of elections shall take the same oath and shall have the same power and authority as inspectors of general elections. After the closing of the polls the ballots shall be counted in the manner required by law, and the returns shall be returned, sealed, to the city clerk, within three days after the election, and thereupon the common council shall

Previous.

meet and canvass the same, and declare the result of the election. It shall be the duty of the clerk to notify all persons elected or appointed to office of their election or appointment, and unless such persons shall respectively qualify within ten days thereafter the offices shall become vacant.

§ 13. No person shall be entitled to vote at any election under this act who is not entitled to vote at state elections and has not been a resident of said city at least six months next preceding the election; he shall moreover have been an actual resident of the ward in which he votes for ten days previous to the election, and if required by any person qualified to vote thereat, shall take the following oath before he is permitted to vote: *Provided*, that the voter shall be deemed a resident of the ward in which he is accustomed to lodge: "I swear, (or affirm) that I am of the age of twenty-one years, that I am a citizen of the United States, (or was a resident of this state at the time of the adoption of the constitution,) and have been a resident of this state one year, and a resident of this city six months immediately preceding this election, and am now, and have been for ten days last past, a resident of this ward, and have not voted at this election."

Qualification of voters.

§ 14. The persons entitled to vote at any election held under this act, shall not be arrested on civil process within said city on the day on which said election is held, and all persons illegally voting at any election under this act shall be punishable according to the laws of this state.

Exemption from arrest.

CHAPTER III.—*Powers and Duties of Officers.*

§ 1. Every person chosen or appointed to an executive, judicial or administrative office under this act, shall, before he enters on the duties of his office, take and subscribe the oath of office prescribed in the constitution of this state, and file the same, duly certified by the officer before whom it was taken, with the clerk of the city.

Oath of office.

§ 2. The mayor shall, before he enters upon the duties of his office, in addition to the usual oath, swear or affirm that he will devote so much of his time to the duties of his office as an efficient and faithful discharge thereof may require. He shall preside over the meetings of the common council, and take care that the laws of the state and the ordinances of the city are duly enforced, respected and observed, and that all other executive officers of the city discharge their respective duties. He shall from time to time give the common council such information, and recommend such measures, as he may deem advantageous to the city. He shall have a salary of twelve hundred dollars per annum; and he may give bond and qualify as a justice of the peace, and when qualified shall possess the same powers.

Mayor.

His duties.

Salary.

To account for
fees.

To sign ordi-
nances.

Veto.

Vacancy in of-
fice of mayor.

Members of
council.

Clerk.

His duty.

Duty of city at-
torney.

ers and jurisdictions as are herein vested in such justices of the peace as may be designated by the common council under this act, and be entitled to like fees. But he shall account for and pay over to the city treasurer, when required, all fines, fees, or other moneys received by him in his judicial capacity, and keep a docket, subject at all times to the inspection of the common council. All ordinances and resolutions shall, before they take effect, be placed in the office of the city clerk, and if the mayor approves thereof, he shall sign the same; and such as he shall not sign he shall return to the council, with his objections thereto. Upon the return of any ordinance or resolution by the mayor, the vote by which the same was passed shall be reconsidered; and if, after such reconsideration, a majority of all the members elected to the council shall agree, by ayes and noes, which shall be entered of record, to pass the same, it shall go into effect. And if the mayor shall neglect to approve or object to any such proceedings for a longer period than three days after the same shall be placed in the clerk's office, as aforesaid, the same shall go into effect. The mayor shall likewise have power, *ex officio*, to administer any oath required to be taken by this act.

§ 3. In case of a vacancy in the office of mayor, or of his being unable to perform the duties of his office, by reason of temporary or continued absence or sickness, the common council shall appoint by ballot one of their number to preside over their meetings, whose official designation shall be, 'acting mayor.' And the alderman so appointed shall be vested with all the powers and perform all the duties of mayor, except in regard to qualifying as justice of the peace, until the mayor shall resume his office, or the vacancy be filled by a new election.

§ 4. The members of the common council shall be fire wardens and conservators of the peace, and shall be exempt from jury duty and the payment of street taxes during their term of office.

§ 5. The clerk shall keep the corporate seal and all papers belonging to said city, and make a record of the proceedings of the common council, at whose meetings it shall be his duty to attend; and copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the common council, certified by him under the corporate seal, shall be evidence in all courts, in like manner as if the originals were produced. He shall likewise draw all warrants on the treasury and countersign the same, and keep an accurate account thereof in a book to be provided for that purpose; he shall also have power to administer any oath required to be taken by this act.

§ 6. It shall be the duty of the city attorney to perform all professional services incident to the office, and when re-

quired furnish written opinions upon subjects submitted to him by the mayor or the common council, or its committees.

§ 7. The treasurer shall receive all moneys belonging to the city, and keep an accurate account of all receipts and expenditures, in such manner as the common council shall direct. All moneys shall be drawn from the treasury in pursuance of an order from the common council, by warrant signed by the mayor or presiding officer of the common council, and countersigned by the clerk; such warrant shall specify for what purpose the amount specified therein is to be paid. The treasurer shall exhibit to the common council, at least fifteen days before the annual election of each year, and oftener if required, a full and detailed account of all receipts and expenditures after the date of the last annual report, and also of the state of the treasury; which account shall be filed in the office of the clerk.

Duty of treasurer.

Account.

§ 8. The marshal shall perform such duties as shall be prescribed by the common council, for the preservation of the public peace, the collection of license money and fines, or otherwise. He shall possess the power and authority of a constable at common law and under the statutes of this state, and receive like fees, but shall not serve civil process without first entering into bonds as such constable, to be approved by the common council as in other cases.

Marshal.

His duties.

§ 9. The city surveyor or surveyors shall have the sole power, under the direction or control of the common council, to survey within the city limits, and he and they shall be governed by such rules and ordinances, and receive such fees and emoluments, for his or their services, as the common council shall appoint and direct. He shall possess the same powers in making surveys and plats, within the city, as is given by law to county surveyors, and the like effect and validity shall be given to his acts, and to all plats and surveys heretofore or hereafter made by any such surveyor, as are or may be given by law to the acts, plats, and surveys of county surveyors.

Surveyor.

Powers and duties.

§ 10. It shall be the duty of the collector or collectors to collect all taxes and assessments which may be levied by said city, and perform such other duties as may be herein prescribed or ordained by the common council.

Collectors.

§ 11. Assessors shall perform all the duties in relation to the assessing of property, for the purpose of levying the taxes imposed by the common council. In the performance of their duties they shall have the same powers as are or may be given by law to county or town assessors, and be subject to the same liabilities. On completing their assessment rolls, they shall meet together and revise and correct the same, and having completed the revision, they shall sign the several rolls and return the same to the common council.

Assessors.

Powers and duties.

Harbor master. § 12. It shall be the duty of the harbor master to enforce all ordinances and provisions of this act, in relation to the harbor.

Street commissioners. § 13. It shall be the duty of the street commissioners to superintend all local improvements in their respective divisions, and carry into effect all orders of the common council in relation thereto. They shall keep accurate account of all expenditures made by them, and render monthly accounts thereof to the common council.

Constables. § 14. Every person appointed or elected to the office of constable, shall, before he enters upon the duties of his office, with two or more sureties to be approved by the common council, execute, in presence of the clerk of the city, an instrument in writing, by which such constable and sureties shall jointly and severally agree to pay to each and every person who may be entitled thereto, all such sums of money as the said constable may be liable to pay by reason or on account of any summons, execution, distress warrant, or other process which shall be delivered to him for collection. The clerk shall certify the approval of the common council on such instrument and file the same; and a copy certified by the clerk, under the corporate seal, shall be presumptive evidence, in all courts, of the execution thereof by such constable and his sureties; and all actions thereon shall be prosecuted within two years after the expiration of the year for which the constable named therein shall have been appointed or elected, and may be brought in the name of the person or persons entitled to the money collected by virtue of such instruments. No constable appointed or elected under this act shall have power to serve any civil process out of the city limits, except in cases of persons fleeing therefrom, and to commit on execution where the defendant shall have been arrested within the city.

Identification. § 15. The common council shall have power, from time to time, to require further and other duties of all officers whose duties are herein prescribed, and prescribe the powers and duties of all officers appointed or elected to any office under this act, whose duties are not herein specifically mentioned, and fix their compensation. They may also require bonds to be given to the city of Chicago by all officers, for the faithful performance of their duties.

Power of common council. § 16. The treasurer, collectors, marshal, street commissioners, and school agent, shall severally, before they enter on the duties of their respective offices, execute a bond to the city of Chicago, in such sum, and with such sureties, as the common council shall approve, conditioned that they shall faithfully execute the duties of their offices, and account for and pay over all moneys and other property received by them; which bonds, with the approval of the

Bonds.

common council, certified thereon by the clerk, shall be filed with the clerk.

§ 17. The common council, at their annual meeting on the second Tuesday in March, in each year, or within not to exceed thirty days thereafter, shall designate one public newspaper printed in said city, in which shall be published all ordinances and other proceedings and matters required in any case by this act, or by the by-laws and ordinances of the common council, to be published in a public newspaper. Corporation newspapers.

§ 18. If any person, having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office all the property, papers, and effects of every description in his possession belonging to said city, or appertaining to the office he held, he shall forfeit and pay, for the use of the city, one hundred dollars, besides all damages caused by his neglect or refusal so to deliver. And such successor shall and may recover possession of the books, &c., appertaining to his office, in the manner prescribed by the laws of this state. Penalty for refusal to deliver books and papers.

§ 19. All appointments to fill a vacancy in an elective office under this act, and all appointments of clerk, marshal, city superintendent, assessors and surveyors, and all elections of treasurer, attorney, collectors, constables and street commissioners shall be by warrant, under the corporate seal, signed by the mayor or presiding officer of the common council, and clerk.

§ 20. All persons elected or appointed, under this act, to the office of clerk, marshal, attorney, treasurer, collector, assessor, surveyor, street commissioner, or constable, shall be commissioned by warrant under the corporate seal, signed by the mayor or presiding officer of the common council, and clerk. Commissioners.

CHAPTER IV.—*Of the Common Council: its General Powers and Duties.*

§ 1. The mayor and aldermen shall constitute the common council of said city. The common council shall meet at such times and places as they shall by resolution direct. The mayor, when present, shall preside at all meetings of the common council, and shall have only a casting vote. In his absence any one of the aldermen may be appointed to preside. A majority of the persons elected as aldermen shall constitute a quorum. Common council. Quorum.

§ 2. No member of the common council shall, during the period for which he was elected, receive any compensation for his services, or be appointed to, or be competent to hold, any office of which the emoluments are paid from the city treasury, or paid by fees directed to be paid by any act or ordinance of the common council, or be directly or indi- Restriction.

rectly interested in any contract, the expenses or consideration whereof are to be paid under any ordinance of the common council.

Meetings.

§ 3. The common council shall hold stated meetings, and the mayor or any two aldermen may call special meetings, by notice to each of the members of said council, served personally, or left at their usual place of abode. Petitions and remonstrances may be presented to the common council, and the council shall determine the rules of its own proceedings, and be the judge of the election and qualifications of its own members, and have power to compel the attendance of absent members.

Powers.

§ 4. The common council shall have the management and control of the finances, and all property, real, personal and mixed, belonging to the corporation, and shall likewise have power within the jurisdiction of the city, by ordinance :

Wharfing privileges.

First. To lease the wharfing privileges of the river, at the ends of streets, upon such terms and conditions as may be usual in the leasing of other real estate, reserving such rents as may be agreed upon, and employing such remedies, in case of non-performance of any covenants in such lease, as are given by law in other cases. But no buildings shall be erected thereon: *Provided*, no lease for a longer period than three years shall at any time be executed, and the owner or owners of the adjoining lot or lots shall, in all cases, have the preference in leasing such property; but a free passage over the same for all persons with their baggage shall be reserved in such lease: *Provided, further*, nothing in this section shall be so construed as to impair or prejudice any rights which any person may have acquired by the acceptance of any proposition heretofore made by said city respecting the wharfing privileges.

Proviso.

Waters.

Second. To remove and prevent all obstructions in the waters which are public highways in said city, and to widen, straighten, and deepen the same.

Frauds.

Third. To prevent and punish forestalling and regrating, and to prevent and restrain every kind of fraudulent device and practice.

Gaming.

Fourth. To restrain and prohibit all descriptions of gaming and fraudulent devices, and all playing of dice, cards and other games of chance, with or without betting.

Sale of ardent spirits.

Fifth. To regulate the selling or giving away of any ardent spirits by any shop keeper, trader or grocer, to be drunk in any shop, store or grocery, outhouse, yard, garden, or other place within the city, except by inn-keepers duly licensed.

Power to prohibit.

Sixth. To forbid the selling or giving away of ardent spirits or other intoxicating liquors, to any child, apprentice or servant, without the consent of his or her parent, guardian, master or mistress, or to any Indian.

Seventh. To license, regulate and restrain tavern keep- License.
ers, grocers and keepers of ordinaries or victualling or other
houses or places, for the selling or giving away wines and
other liquors, whether ardent, vinous or fermented.

Eighth. To license, tax, regulate, suppress and prohibit
billiard tables, pin alleys, nine or ten pin alleys and ball alleys.

Ninth. To license, regulate and suppress hackmen,
draymen, carters, porters, omnibus drivers, cabmen, pack-
ers, carmen, and all others who may pursue like occupa-
tions, with or without vehicles, under other cognomens, and
prescribe their compensation.

Tenth. To tax, license and regulate auctioneers, dis- Auctioneers, &c.
tillers, brewers and pawnbrokers, and to impose duties up-
on the sale of goods at auction.

Eleventh. To license, tax, regulate and suppress hawk- Pedlers.
ers and pedlers.

Twelfth. To regulate, license, suppress and prohibit all Shows, &c.
exhibitions of common showmen, shows of every kind,
concerts or other musical entertainments, by itinerant per-
sons or companies, exhibitions of natural or artificial curi-
osities, caravans, circuses, theatrical performances, and all
other exhibitions and amusements.

Thirteenth. To authorize the mayor, or other proper Licenses.
officer of the city, to grant and issue licenses, and direct
the manner of issuing and registering thereof, and the fees
to be paid therefor. No license shall be granted for more
than one year: *Provided*, not less than five, nor more than Proviso.
five hundred dollars, shall be required to be paid for any
license under this act, and the fee for issuing the same shall
not exceed one dollar; but no license for the sale of wines
or other liquors, ardent, vinous or fermented, at wholesale
or retail, or by inn-keepers or others, as aforesaid, shall be
less than fifty dollars. Bond shall be taken on the granting
of licenses for the due observance of the ordinances or reg-
ulations of the common council.

Fourteenth. To prevent any riot or noise, disturbance Riots.
or disorderly assemblage.

Fifteenth. To suppress and restrain disorderly houses Disorderly
houses, &c.
and groceries, houses of ill fame, billiard tables, nine or ten
pin alleys or tables, and ball alleys, and to authorize the de-
struction and demolition of all instruments and devices
used for the purpose of gaming.

Sixteenth. To compel the owner or occupant of any Nuisances.
grocery, cellar, tallow chandler shop, soap factory, tannery,
stable, barn, privy, sewer, or other unwholesome, nauseous
house or place, to cleanse, remove or abate the same, from
time to time, as often as may be necessary for the health,
comfort and convenience of the inhabitants of said city.

Seventeenth. To direct the location and management of, Breweries.
and regulate breweries, tanneries and packing houses, and

- to direct the location, management and construction of, and regulate, restrain and prohibit, within the city, and the distance of four miles therefrom, distilleries, slaughtering establishments, establishments for steaming and rendering lard, tallow, offal and such other substances as can or may be rendered; and all establishments or places where any nauseous, offensive or unwholesome business may be carried on: *Provided*, that for the purposes of this section the Chicago river and its branches, to their respective sources, and the land adjacent thereto, or within one hundred rods thereof, shall be deemed to be within the jurisdiction of the city.
- Markets.** *Eighteenth.* To establish and regulate markets and other public buildings, and provide for their erection, determine their location, and authorize their erection in the streets or avenues of the city.
- Butchers.** *Nineteenth.* To regulate, and license or prohibit butchers, and to revoke their licenses, for misconduct in the course of trade, and to regulate, license, and restrain the sale of fresh meats and vegetables in the city, and restrain and punish the forestalling of poultry, fruit and eggs.
- Gunpowder.** *Twentieth.* To direct or prohibit the location and management of houses for the storing of gunpowder, or other combustible and dangerous materials, within the city.
- Racing.** *Twenty-first.* To regulate the keeping and conveying of gunpowder, and other combustible and dangerous materials, and the use of candles and lights in barns, stables and out-houses.
- Twenty-second.* To prevent horse racing, immoderate riding or driving in the streets, and to authorize persons immoderately riding or driving, as aforesaid, to be stopped by any person; and punish or prohibit the abuse of animals; to compel persons to fasten their horses, oxen, or other animals, attached to vehicles or otherwise, while standing or remaining in the street.
- Encumbering streets.** *Twenty-third.* To prevent the encumbering of the streets, side walks, lanes, alleys, public grounds, wharves and docks, with carriages, carts, sleighs, sleds, wheelbarrows, boxes, lumber, timber, fire-wood, posts, awnings, signs, or any substance or material whatever.
- Bathing.** *Twenty-fourth.* To regulate and determine the times and places of bathing and swimming in the canals, rivers, harbors or other waters, in and adjoining said city, and to prevent any obscene or indecent exhibition, exposure or conduct.
- Vagrants, &c.** *Twenty-fifth.* To restrain and punish vagrants, mendicants, street beggars, and prostitutes.
- Cattle, &c.** *Twenty-sixth.* To restrain and regulate or prohibit the running at large of cattle, horses, swine, sheep, goats, and geese, and to authorize the distraining, impounding,

and sale of the same for the penalty incurred, and the cost of the proceedings; and also to impose penalties on the owners of any such animals, for a violation of any ordinance in relation thereto.

Twenty-seventh. To prevent and regulate the running Dogs. at large of dogs, and to authorize the destruction of the same when at large contrary to the ordinance.

Twenty-eighth. To prevent and regulate the rolling of Juvenile sports. hoops, playing at ball, flying of kites, or any other amusement or practice having a tendency to annoy persons passing in the streets, or on the side walks, or to frighten teams and horses.

Twenty-ninth. To make regulations to prevent the introduction of contagious diseases, into the city; to make Contagious diseases. quarantine laws, and enforce the same within the city, and not to exceed fifteen miles beyond the city bounds.

Thirtieth. To have exclusive power over the streets Streets. and alleys, and to remove and abate any obstructions and encroachments therein.

Thirty-first. To compel all persons to keep the snow, Sidewalks. ice and dirt from the side walk, in front of the premises owned or occupied by them.

Thirty-second. To prevent the ringing of bells, blowing Unusual noises. of horns and bugles, crying of goods, and all other noises, performances and devices tending to the collection of persons on the streets or side walks, by auctioneers and others, for the purposes of business, amusement, or otherwise.

Thirty-third. To abate and remove nuisances, and punish the authors thereof, by penalties, fine and imprisonment, Nuisances. and to define and declare what shall be deemed nuisances, and authorize and direct the summary abatement thereof.

Thirty-fourth. To license, regulate and restrain runners Runners. for boats and stages, cars and public houses.

Thirty-fifth. To regulate the burial of the dead, and Burial of the dead, &c. registration of births and deaths; to direct the returning and keeping of bills of mortality, and to impose penalties on physicians, sextons and others, for any default in the premises.

Thirty-sixth. To appoint watchmen and policemen, and Watchmen. prescribe their duties and powers.

Thirty-seventh. To regulate the measuring and inspection Inspection. of lumber, shingles, timber, posts, staves and heading, and all building materials, and appoint one or more inspectors.

Thirty-eighth. To regulate the place and manner of Fish. selling pickled and other fish, and inspecting the same.

Thirty-ninth. To regulate the weighing and place and Hay. manner of selling hay.

Fortieth. To regulate the measuring of wood and the Wood and coal. weighing and selling of coal, and the place and manner of selling the same.

- Provisions.** *Forty-first.* To regulate the inspection of flour, meal, pork, beef, and other provisions, and salt to be sold in barrels, hogsheads, and other packages.
- Liquors.** *Forty-second.* To regulate the inspection of whisky and other liquors, to be sold in barrels, hogsheads, and other vessels.
- Inspectors, &c.** *Forty-third.* To appoint inspectors, weighers, gaugers, and regulate their duties and prescribe their fees.
- Police.** *Forty-fourth.* To create and regulate the police of said city.
- Pumps, &c.** *Forty-fifth.* To establish, make, and regulate public pumps, wells, and cisterns, hydrants and reservoirs, and to prevent the unnecessary waste of water.
- Pounds.** *Forty-sixth.* To establish and regulate public pounds.
- Lamps.** *Forty-seventh.* To erect lamps, and regulate the lighting thereof, and from time to time create, alter, and extend lamp districts.
- Ferries.** *Forty-eighth.* To regulate and license ferries.
- Locomotives.** *Forty-ninth.* To regulate and prohibit the use of locomotive engines within the city, and may require the cars to be used thereon, within the inhabited portions thereof, to be drawn or propelled by other power than that of steam; to direct and control the location of railroad tracks and depot grounds, and prohibit railroad companies from doing storage and warehouse business, or collecting pay for storage.
- Bridewell.** *Fiftieth.* To erect and establish a bridewell or house of correction, pass all necessary ordinances for the regulation thereof, and appoint a keeper and as many assistants as may be necessary. In the said bridewell or house of correction shall be confined all vagrants, stragglers, idle or disorderly persons who may be committed thereto, by the mayor or any alderman or other conservator of the peace; and all persons sentenced by any criminal court or magistrate in and for the city, for any assault and battery, petit larceny, or other misdemeanor punishable by imprisonment in any county jail, shall be kept therein, subject to labor or solitary confinement.
- Weights and measures.** *Fifty-first.* To require every merchant, retailer, trader, and dealer in merchandise or property of any description, which is sold by measure or weight, to cause their weights and measures to be sealed by the city sealer, and to be subject to his inspection; the standard of which weights and measures shall be conformable to those now established by law.
- Bridges.** *Fifty-second.* Exclusively to erect and construct, or to permit or cause, or procure to be erected and constructed, float or drawbridges over the navigable waters within the jurisdiction of said city, and keep the same in repair: said bridges to have draws of suitable width.

Fifty-third. To preserve the harbor; to prevent any Harbor.
 use of the same, or any act in relation thereto inconsistent with, or detrimental to, the public health, or calculated to render the waters of the harbor, or any part thereof, impure or offensive, or tending in any degree to fill up or obstruct the same; to prevent and punish the casting or depositing therein any earth, ashes, or other substance, filth, logs, or floating matter; to prevent and remove all obstructions therein, and to punish the authors thereof; to regulate and prescribe the mode and speed of entering and leaving the harbor, and of coming to, and departing from, the wharves and streets of the city, by steamboats, canal boats, and other craft and vessels, and the disposition of the sails, yards, anchors, and appurtenances thereof, while entering, leaving, or abiding in the harbor, and to regulate and prescribe by such ordinances, or through their harbor master or other authorized officer, such a location of every canal boat, steamboat, or other craft, or vessel, or float, and such changes of station in, and use of, the harbor, as may be necessary to promote order therein, and the safety and equal convenience, as near as may be, of all such boats, vessels, craft, and floats; and may impose penalties not exceeding one hundred dollars for any offence against any such ordinance; and by such ordinance charge such penalties, together with such expenses as may be incurred by the city in enforcing this section, upon the steamboat, canal boat, or other vessel, craft, or float. The harbor of the city shall include the piers and so much of lake Michigan as lies within the distance of one mile thereof into the lake, and the Chicago river and its branches to their respective sources.

Fifty-fourth. To exclusively control, regulate, repair, Streets, &c.
 amend and clear the streets and alleys, bridges, side and cross walks, and open, widen, straighten, and vacate streets and alleys, and put drains and sewers therein, and prevent the encumbering of the streets in any manner, and protect the same from any encroachment and injury.

Fifty-fifth. To direct and regulate the planting and pre- Public grounds.
 serving ornamental trees in the streets and public grounds.

Fifty-sixth. To borrow money, not exceeding one hun- To borrow money.
 dred thousand dollars in any one year, and pledge the revenue of the city for its payment, and issue bonds therefor.

Fifty-seventh. To fill up, drain, cleanse, alter, relay, re- Grounds, &c.
 pair, and regulate any grounds, yards, basins, slips, cellars, private drains, sinks, and privies, direct and regulate their construction, and cause the expenses thereof to be assessed and collected in the same manner as side walk assessments.

Fifty-eighth. To erect and establish one or more hos- Hospitals.
 pitals or dispensaries, and control and regulate the same.

Fifty-ninth. To abate all nuisances which are or may Nuisances.
 be injurious to the public health, in any manner they may deem expedient.

- Health.** *Sixtieth.* To do all acts and make all regulations which may be necessary or expedient for the preservation of health and the suppression of disease.
- Unwholesome substances.** *Sixty-first.* To prevent any person from bringing, depositing, or having within the limits of said city, any dead carcase, or any other unwholesome substance, and to require the removal or destruction, by any person who shall have, place, or cause to be placed, upon or near his premises, any such substance, or any putrid or unsound beef, pork, or fish, hides, or skins of any kind, and on his default to authorize the removal or destruction thereof by some officer of said city.
- Ordinances.** *Sixty-second.* The common council shall have power to make, publish, ordain, amend and repeal all such ordinances or by-laws and police regulations, not contrary to the constitution of this state, for the good government and order of the city and the trade and commerce thereof, as may be necessary or expedient to carry into effect the powers vested in the common council, or any officer of said city, by this act; and enforce observance of all rules, ordinances, by-laws, and police and other regulations, made in pursuance of this act, by penalties not exceeding one hundred dollars for any offence against the same. The common council may also enforce such rules, ordinances, by-laws, and police and other regulations, as aforesaid, by punishment of fine or imprisonment, or both, in the county jail, bridewell, or house of correction, in the discretion of the magistrate, or court before which conviction may be had: *Provided*, such fine shall not exceed five hundred dollars, nor the imprisonment six months.
- Penalties.**
- Proviso.**
- Vagrant children.** *Sixty-third.* To authorize the taking up, and provide for the safe keeping and education, for such periods of time as may be deemed expedient, of all children who are destitute of proper parental care, wandering about the streets, committing mischief and growing up in mendicancy, ignorance, idleness, and vice.

CHAPTER V.—Of Taxation.

- Power of taxation.** § 1. The common council shall have power, within the city, by ordinance :
- Contingent expenses.** *First.* To annually levy and collect taxes, not exceeding three and one half mills on the dollar, on the assessed value of all real and personal estate in the city made taxable by the laws of this state, to defray the contingent and other expenses of the city, not herein otherwise specially provided for; which taxes shall constitute the general fund.
- School tax.** *Second.* To annually levy and collect a school tax, not exceeding two mills on the dollar, on all real and personal estate, to meet the expenses of purchasing grounds for

school houses, and building and repairing school houses, and supporting and maintaining schools.

Third. To levy and collect a tax, not exceeding one ^{Interest.} half mill on the dollar per annum, on real and personal estate, to meet the interest accruing on the bonded debt of the city.

§ 2. To levy and collect taxes on real and personal estate when required :

First. For the erection of a barrier to protect the city ^{Lake barrier.} from the lake.

Second. For the erection of a city hall, markets, hos- ^{City hall, &c.} pital, bridewell or workhouse, the purchase of market grounds, public squares or parks, or any other permanent improvements : *Provided*, the estimated cost of a city hall ^{Proviso.} or bridewell, may be apportioned by the common council, and collected by a series of annual assessments : *Provided*, ^{Further proviso.} *further*, that the cost of market grounds, markets, public squares or parks, and lake barrier, or any other improvement, shall be levied upon all the property in the natural division of the city in which such markets, squares or barrier may be located, except such part of the cost as the common council may cause to be especially assessed upon real estate in such division immediately benefitted by such improvement, in the manner herein prescribed for the assessment of like improvements, in chapter seven : *Provided*, ^{Proviso.} that no tax or taxes shall be levied in any one year, under this section, which shall exceed two per cent. upon the value of the property assessed, for either or all of the purposes herein specified : *Provided, further*, that no local ^{Further proviso.} improvement under this section shall be ordered in any division, unless a majority of the aldermen thereof shall vote in favor of the same : *Provided, further*, the common ^{Additional proviso.} council may negotiate a loan for the purpose of building a market house in any division, and apply the revenues therefrom towards paying the interest on such loan and liquidating the principal. But should the net revenues from such market be insufficient to pay such interest and principal when they shall respectively become due, the common council shall levy and collect a tax upon the real and personal property in the division in which such market may be located, to make up the deficiency of such interest or principal, or both.

§ 3. To levy and collect on the real and personal estate ^{Lamps.} in such districts as they shall from time to time create, a sufficient tax to defray three-fourths of the expense of erecting lamps, and lighting the streets in such district or districts, respectively : *Provided*, the money thus raised shall ^{Proviso.} be exclusively expended for such purpose, in the district paying the same.

Road labor.

§ 4. To require (and it is hereby made the duty of) every male resident of the city, over the age of twenty-one years and under the age of sixty years, to labor three days in each year upon the streets and alleys ; but every person may, at his option, pay at the rate of fifty cents for every day he shall be so bound to labor : *Provided*, the same shall be paid on or before the first of the three days upon which he may be notified to labor by the street commissioner. In default of payment, as aforesaid, the sum of three dollars may be collected, and no off-set shall be allowed in any suit brought to recover the same. Street taxes shall be expended in the several wards where the persons paying the same may respectively reside.

Proviso.

Local expenditures.

§ 5. The common council shall, hereafter, in all expenditures for purposes strictly local, expend annually in the several natural divisions of the city, such proportion of the whole expenditures for like purposes, during the same period, as will correspond to the several sums contributed, respectively, by each division to the general fund.

Equalization.

§ 6. If it shall appear at the close of any municipal year, that a greater sum has been expended for purposes strictly local, in any division or divisions, than its or their relative proportion, it shall be the duty of the common council, the ensuing year, to increase the general tax in such division or divisions, respectively, by the amount of such excess, in such proportions thereof as each may be justly chargeable therewith. They shall at the same time abate such excess from the assessment in the other division or divisions respectively, in like proportions. For the purposes of this section it may be lawful for the common council to levy a tax in any division, for general purposes, not exceeding four-tenths of one per cent. per annum.

Improvements subject to taxation.

§ 7. All improvements on any school or canal lands or lots, and all improvements on the wharfing privileges in said city, together with the interests of the lessees or occupants in the premises, whether by lease, covenant, or deed, shall be subject to taxation as real estate. And the personal property of the owner of such improvements shall be liable for such taxes, and upon a failure to pay the same, the collector may levy upon and sell the goods and chattels of such occupant or lessee for the payment thereof, and costs. And in case such lessee or occupant shall have no personal estate, or neglect to pay the taxes, the interest of such lessee or occupant in such premises, together with the improvements, may be sold as real estate : *Provided*, the purchaser shall acquire no greater rights in the land than the tenant or occupant thereof had, but shall take the same subject to all the covenants and agreements in relation thereto.

Proviso.

CHAPTER VI.—*Assessments for opening Streets and Alleys.*

§ 1. The common council shall have power to lay out public squares or grounds, streets, alleys, lanes and highways, and to make wharves and slips at the ends of streets, and alter, widen, contract, straighten, and discontinue the same. They shall cause all streets, alleys, lanes, highways, wharves, slips or public squares or grounds laid out by them to be surveyed, described and recorded in a book to be kept by the clerk, showing particularly the proposed improvement, and the real estate required to be taken; and the same, when opened and made, shall be public highways. Power to lay out streets.

§ 2. Whenever a street, alley, lane, highway, wharf, or slip, or public square, or ground, is laid out, altered, widened, or straightened, by virtue hereof, the common council shall give notice of their intention to appropriate and take the land necessary for the same to the owner or owners thereof, by publishing said notice for ten days in the corporation newspaper. At the expiration of which time, they shall choose, by ballot, three disinterested freeholders, residing in said city, as commissioners to ascertain and assess the damages and recompense due the owners of such land, respectively, and at the same time to determine what persons will be benefitted by such improvement, and assess the damages and expenses thereof on the real estate of persons benefitted, in proportion, as nearly as may be, to the benefits resulting to each. A majority of all the aldermen authorized by law to be elected shall be necessary to the choice of such commissioners. Assessment of damages.

§ 3. The commissioners shall be sworn faithfully to execute their duty, according to the best of their ability. Before entering on their duties, they shall give notice to the persons interested, of the time and place of their meeting, for the purpose of viewing the premises and making their assessment, at least ten days before the time of such meeting, by publishing the same in the corporation newspaper. They shall view the premises, and in their discretion, receive any legal evidence, and may, if necessary, adjourn from day to day. Duty of commissioners.

§ 4. If there should be any building standing, in whole or in part, upon the land to be taken, the commissioners, before proceeding to make their assessment, shall first estimate and determine the whole value of such building to the owner, aside from the value of the land and the injury to him in having such building taken from him; and secondly, the value of such building to him to remove. Valuation of building, &c.

§ 5. At least five days' personal notice shall be given to the owner of such determination, when known and a resident of the city, or left at his usual place of abode. If not Notice.

known, or a non-resident, notice to all persons interested shall be given, by publication for ten days in the corporation newspaper; such notice shall be signed by the commissioners, and specify the building and the award of the commissioners. It shall also require parties in interest to appear by a day to be named therein, or give notice of their election to the common council, either to accept the award of the commissioners, and allow such building to be taken with the land condemned or appropriated, or of their intention to remove such building at the value set thereon, by the commissioners to remove. If the owner shall agree to remove the building, he shall have such time for this purpose as the common council may allow.

Refusal to take
building.

§ 6. If the owner refuse to take the building at the value to remove, or fail to give notice of his election, as aforesaid, within the time prescribed, the common council shall have power to direct the sale of such building, at public auction, for cash, giving five days' public notice of the sale. The proceeds of the sale shall be paid to the owner, or deposited to his use.

Assessment.

§ 7. The commissioners shall thereupon proceed to make their assessment, and determine and appraise to the owner or owners the value of the real estate appropriated for the improvement, and the injury arising to them, respectively, from the condemnation thereof, which shall be awarded to such owners respectively, as damages, after making due allowance therefrom for any benefit which such owners may respectively derive from such improvement. In the estimate of damage to the land, the commissioners shall include the value of the building, (if the property of the owner of such land,) as estimated by them, as aforesaid, less the proceeds of the sale thereof; or if taken by the owners at the value to remove, in that case they shall only include the difference between such value and the whole estimated value of such building.

Mode.

Amount to be
paid, how
shown.

§ 8. If the damage to any person be greater than the benefits received, or if the benefit be greater than the damage, in either case the commissioners shall strike a balance, and carry the difference forward to another column, so that the assessment may show what amount is to be received or paid by such owners, respectively, and the difference only shall, in any case, be collectable of them or paid to them.

Award to par-
ties in interest.

§ 9. If the lands and buildings belong to different persons, or if the land be subject to lease or mortgage, the injury done to such persons, respectively, may be awarded to them by the commissioners, less the benefits resulting to them, respectively, from the improvement.

Assessment and
return.

§ 10. Having ascertained the damages and expenses of such improvement, as aforesaid, the commissioners shall thereupon apportion and assess the same, together with

the costs of the proceedings, upon the real estate by them deemed benefitted, in proportion to the benefits resulting thereto from the improvements, as nearly as may be, and shall describe the real estate upon which their assessments may be made. When completed, the commissioners shall sign and return the same to the common council within forty days of their appointment.

§ 11. The clerk shall give ten days' notice, in the corporation paper, that such assessment has been returned, and on a day to be specified therein will be confirmed by the common council, unless objections to the same are made by some person interested. Objections may be heard before the common council, and the hearing may be adjourned from day to day. The council shall have power, in their discretion, to confirm or annul the assessment, or refer the same back to the commissioners. If annulled, all the proceedings shall be void. If confirmed, an order of confirmation shall be entered, directing a warrant to issue for the collection thereof. If referred back to the same, or other commissioners, they shall proceed to make their assessments, and return the same, in like manner, and give like notices as herein required in relation to the first; and all parties in interest shall have the like notices and rights, and the common council shall perform like duties and have like powers in relation to any subsequent determination as are herein given in relation to the first.

Objections to assessment.

§ 12. The common council shall have power to remove commissioners, and from time to time appoint others in the place of such as may be removed, refuse, neglect, or be unable from any cause to serve.

Removal of commissioners.

§ 13. Nothing herein contained shall authorize the common council to discontinue or contract any street or highway, or any part thereof, except for the purpose of widening and improving the rivers, and making basins and slips, without the consent, in writing, of all persons owning land adjoining said street or highway.

Discontinuance of streets, &c.

14. The land required to be taken for the making, opening, or widening any street, alley, lane, or other highway, shall not be appropriated until the damages awarded therefor, to any owner thereof, under this act, shall be paid or tendered to such owner or his agent; or in case the said owner or his agent cannot be found in said city, deposited to his or her credit in some safe place of deposit, other than the hands of the treasurer, and then, and not before, such lands may be taken and appropriated for the purpose required, in making such improvements, and such streets, alleys, lanes, highways, wharves, and slips may be made and opened.

Appropriation of land.

§ 15. Where the whole of any lot or parcel of land or other premises under lease, or other contract, shall be ta-

Effect of taking entire lot.

ken for any of the purposes aforesaid by virtue of this act, all the covenants, contracts and engagements between landlord and tenants, or any other contracting parties, touching the same, or any part thereof, shall, upon confirmation of such report, respectively cease and be absolutely discharged.

Effect when
part is taken.

§ 16. Where part only of any lot or parcel of land or other premises so under lease or other contract, shall be taken for any of the purposes aforesaid, by virtue of this act, all the covenants, contracts, and agreements and engagements respecting the same, upon the confirmation of such report, shall be absolutely discharged as to the part thereof so taken, but shall remain valid as to the residue thereof, and the rents, considerations and payments reserved, payable and to be paid for or in respect to the same, shall be so proportioned as that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid or recoverable for, in any respect, of the same.

Appeal.

§ 17. Any person interested may appeal from any final order of the common council, for opening or widening any street, alley, public ground, or highway, to any court of record in Cook county, by notice in writing to the mayor or clerk, at any time before the expiration of thirty days after the passage of such final order. In case of appeal, the common council shall make a return within thirty days after notice thereof, and the court shall, at the next term after return filed in the office of the clerk thereof, hear and determine such appeal, and confirm or annul the proceedings; from which judgment no appeal or writ of error shall lie. Upon the trial of the appeal all questions involved in said proceedings, including the amount of damages, shall be open to investigation by affidavit or oral testimony, addressed to the court, and the burden of proof shall in all cases be upon the city, to show that the proceedings are in conformity with this act.

Change of pro-
ceedings.

§ 18. The common council may, by ordinance, make any changes they may deem advisable in the proceedings herein prescribed for ascertaining the damages and injury occasioned to any person or real estate by reason of the condemnation of any real estate upon which any buildings may be situate, in whole or in part, and the assessment of such damage and injury upon persons or real estate benefitted by the improvement; and in such other respects as experience may suggest.

Assessments, by
whom paid.

§ 19. In all cases where there is no agreement to the contrary, the owner or landlord, and not the occupant or tenant, shall be deemed the person who ought to bear and pay every assessment made for the expense of any public improvement. Where any such assessment shall be made

upon or paid by any person, when by agreement or by law the same ought to be borne or paid by any other person, it shall be lawful for one so paying to sue for and recover of the person bound to pay the same the amount so paid, with interest. Nothing herein contained shall impair, or in any way effect, any agreement between any landlord and tenant, or other persons, respecting the payment of such assessments.

CHAPTER VII.—*Assessments for Public Improvements.*

§ 1. The common council shall have power, from time to time, to cause any street, alley, or highway, to be graded, leveled, paved, macadamized or planked, and keep the same in repair. Power to grade streets, &c.

2. To cause cross and side walks, main drains and sewers, private drains and aqueducts, to be constructed and laid, relaid, cleansed and repaired, and regulate the same. Side walks. drains, &c.

3. To cause or authorize a tunnel, or tunnels, to be constructed under the Chicago river and its branches, at the intersection of any street; and Tunnels.

4. To grade, improve, protect and ornament any public square now or hereafter laid out. Public squares.

§ 2. The expenses of any improvement mentioned in the foregoing section, (except side walks and private drains) shall be assessed upon the real estate in any natural division benefitted thereby, with the costs of the proceedings therein, in proportion, as nearly as may be, to the benefits resulting thereto: *Provided*, such assessment shall not exceed three per cent. per annum on the property assessed. Expenses of improvements. Proviso.

§ 3. The amount to be assessed for any such improvement (except side walks and private drains) shall be determined by the common council; and they shall, by ballot, appoint, by a majority of all the aldermen authorized by law to be elected, three reputable freeholders of the city to make such assessment. The commissioners shall be sworn faithfully and impartially to execute their duty, to the best of their ability. Amount, how determined.

§ 4. Before entering on their duties, the commissioners shall give six days' notice in the corporation newspaper, of the time and place of meeting, to all persons interested, and they may, if necessary, adjourn from day to day. The commissioners shall assess the amount directed by the common council to be assessed on the real estate by them deemed benefitted by any such improvement, in proportion to the benefit resulting thereto, as nearly as may be, and briefly describe, in the assessment roll to be made by them, the real estate in respect to which any assessment is made, and the value thereof. Notice. Assessment.

Damages.

§ 5. If the commissioners shall be of opinion that any owner of land, situate upon any street, alley or other highway graded or leveled under this section, will sustain damages over and above the benefit which may accrue to the owner of such land by the improvement, they may assess such an amount as they may deem a reasonable recompense to such owner, upon the real estate benefitted in the manner aforesaid; and such sum shall be added to their assessment roll, and the amount certified to the council, at the time of filing the roll.

Return of assessment.

§ 6. When the commissioners shall have completed their assessment, and made a correct copy thereof, they shall deliver the same to the city clerk, within forty days after their appointment, signed by all the commissioners. The clerk shall thereupon cause a notice to be published in the corporation newspaper for six days, to all persons interested, of the completion of the assessment and the filing of the roll. Time and place shall be designated therein for hearing objections.

Appeals.

§ 7. Any person interested may appeal to the common council for the correction of the assessment. Appeals shall be in writing, and filed in the clerk's office within ten days after the first publication of said notice. The council may adjourn such hearing from day to day, and shall have power, in case of appeal or otherwise, in their discretion, to revise and correct the assessment, and confirm or annul the same, and direct a new assessment to be made, in the manner hereinbefore directed, by the same commissioners, or by three others, which shall be final and conclusive on all parties interested if confirmed. When confirmed, the assessment shall be collected as in other cases, and no appeal or writ of error shall lie in any case from such order and determination. If any assessment be set aside by order of any court the common council may cause a new one to be made, in like manner, for the same purpose, for the collection of the amount so assessed.

Revision of assessment.

Vacancy in office of commissioner.

§ 8. If any vacancy happen in the office of commissioners at any time, by reason of removal, failure or refusal, or inability from sickness or other cause, to serve, the common council may fill such vacancy.

Second assessment.

§ 9. If the first assessment prove insufficient, another may be made in the same manner; or if too large a sum shall, at any time, be raised, the excess shall be refunded, rateably, to those by whom it was paid.

Side walks and private drains to be made by owners of lots.

§ 10. All owners or occupants in front of or upon whose premises the common council shall order and direct side walks, or private drains communicating with any main drain, to be constructed, repaired, relaid or cleansed, shall make, repair, relay or cleanse, such side walks or private drain at their own cost and charges, in the manner, and

within the time, prescribed by ordinance or otherwise, and if not done in the manner and within the time prescribed, the council may cause the same to be constructed, repaired, relaid or cleansed, and assess the expenses thereof, by an order, to be entered in their proceedings, upon such lots, respectively, and collect the same, by warrant and sale of the premises as in other cases. A suit may also be maintained against the owner or occupant of such premises, for recovery of such expenses, as for money paid and laid out to his use at his request.

§ 11. In all cases where expenses may be incurred in the removal of any nuisance, the common council may cause the same to be assessed against the real estate chargeable therewith, in the manner prescribed in the foregoing section. Such expenses shall be likewise collectable of the owner or occupant of such premises, in a suit for money expended to his or their use. In case the same should not be chargeable to any real estate, suit may, in like manner, be brought for such expenses against the author of such nuisance, when known, or any person whose duty it may be to remove or abate the same. Expense of abating nuisances.

§ 12. Commissioners appointed under this act may be sworn into office by the city clerk. They shall be allowed two dollars per day, each, for actual services, which, together with all other expenses in relation to any assessment made in pursuance of this act, shall be deemed part of the expenses of the improvement, and included therein. The city attorney shall prepare such papers and make such examinations as they may request. Pay of commissioners.

§ 13. When any known owner residing in said city, or elsewhere, shall be an infant, and any proceedings shall be had under this act, the circuit court of the county of Cook, the judge thereof, the municipal court of said city, or any judge of the supreme court, or judge of probate of said county, may, upon the application of the common council, or such infant, or his next friend, appoint a guardian for such infant, taking security from such guardian for the faithful execution of such trust, and all notices and summons required by this act shall be served on such guardian. Proceedings in case of infants.

CHAPTER VIII.—*Collection of Taxes and Assessments.*

§ 1. The common council shall have power, by ordinance, to prescribe the form of assessment rolls, and prescribe the duties and define the powers of assessors. They may also make such rules, and give such directions, in relation to revising, altering or adding to the rolls, as they may deem proper and expedient. Assessment rolls.

§ 2. The annual assessment rolls shall be returned by the assessors on or before the first Monday of August, in Return of assessment rolls.

each year; but the time may be extended by order of the common council. On the return thereof, the common council shall fix a day for hearing objections thereto, and the clerk shall give notice of the time and place of such hearing; and any person feeling aggrieved by the assessment of his property, may appear at the time specified, and make his objections. The common council shall have power to supply omissions in said assessment roll, and for the purpose of equalizing the same, to alter, add to, take from, and otherwise correct and revise the same, or to refer the same back to the assessors, with instructions to revise and correct the same: *Provided*, the common council shall not have power to increase the aggregate amount of said roll, except by the value of such property, real or personal, as may have been omitted by the assessors.

Revision.

Proviso.

Warrant of collection.

§ 3. When the assessment rolls shall have been corrected and revised, the same shall be filed, and an order confirming the same, and directing the warrant to be issued for the collection thereof, be entered by the clerk. The common council shall thereupon, by an ordinance or resolution, levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied, (not exceeding the authorized percentage,) particularly specifying the purpose for which the same are levied, and if not for general purposes, the division of the city upon which the same are laid.

Ordinance.

§ 4. All taxes and assessments, general or special, levied or assessed by the common council under this act, shall be a lien upon the real estate upon which the same may be imposed, voted or assessed, for two years from and after the corrected assessment roll shall have been confirmed, and on personal estate from and after the delivery of the warrant for the collection thereof, until paid, and no sale or transfer shall affect the lien. Any personal property belonging to the debtor may be taken and sold for the payment of taxes on real or personal estate: *Provided*, that in case the collection of any assessment shall be delayed by injunction, or other judicial proceedings, the same shall continue a lien (unless set aside) upon such real estate, for the period of two years from and after the final disposition of such injunction, or other judicial proceedings.

Lien.

Proviso.

Form of warrant.

§ 5. The clerk shall issue a warrant or warrants for the taxes, and rule therein separate columns, in which the taxes levied shall be respectively set down opposite the name of the person or real estate subject thereto; each column shall be headed with the name of the tax therein set down.

Mayor to sign warrants.

§ 6. All warrants issued for the collection of general or special taxes and assessments shall be signed by the mayor and clerk, with the corporate seal thereto attached,

and shall contain true and perfect copies of the corrected assessment rolls upon which the same may be respectively issued. They shall be delivered to the collector or collectors of the city for collection, within six weeks after the filing of the corrected rolls, unless further time be given for this purpose by the common council. If not otherwise paid, the collector shall have power to collect said taxes, with interest and cost, by suit in the corporate name, or by distress and sale of personal property, as aforesaid, after a demand and refusal to pay the same. The assessor's roll shall, in all cases, be evidence on the part of the corporation: *Provided*, a notice published by the collector for ten days in the corporation paper, shall be deemed a demand, and a neglect to pay taxes for twenty days thereafter shall be deemed a refusal.

When delivered
to collectors.

Provided.

§ 7. All taxes and assessments, general or special, shall be collected by the collector or collectors, in the same manner, and with the same power and authority, as are given by law to collectors of county and state taxes. He shall pay the same, as fast as collected, into the city treasury; and his duty in regard to returning warrants and settling with the city, and his liabilities in case of default or misconduct, shall be the same as prescribed by law: *Provided*, the common council shall have power to prescribe the powers, duties and liabilities of collectors, by ordinance.

Mode of collection.

Provided.

§ 8. In case of the non-payment of any taxes or assessments levied or assessed under this act, the premises may be sold for the payment thereof, at any time within two years after the confirmation of the assessment by the common council. Before any such sale, an order shall be made by the common council, which shall be entered at large in the records kept by the clerk, directing the collector to sell, particularly describing the delinquent premises to be sold, and the assessment for which the sale is to be made; a certified copy of which order, under the corporate seal, signed by the mayor or presiding officer, and clerk, shall be delivered to the collector, which, together with the warrant, shall constitute the process on which such sale may be made.

Proceedings in
case of non-
payment.

§ 9. The collector shall then advertise such premises in the corporation paper for sale, for the period of thirty days from and after the first publication of such notice, describing the same by figures or otherwise, with the name of the owner when known, and the several amounts of the taxes or assessments thereon, and costs. Said notice shall also contain the time and place of sale, and shall be published at least four times. The proceedings may be stopped at any time on the payment of the taxes or assessments, and interest, with expense of advertising.

Publication.

Sales.

§ 10. All sales shall be conducted in the manner required by law, but the common council shall have power to prescribe the manner of conducting the same. The sale shall be made for the smallest portion of ground (to be taken from the east side of the premises) for which any person will take the same and pay the taxes or assessments thereon, with interest and cost of sale. Duplicate certificates of sale shall be made and subscribed by the collector, one of which shall be delivered to the purchaser, and the other filed in the office of the clerk, which certificate shall contain the name of the purchaser, a description of the premises sold, the amount of the tax or assessment, with the interest and expenses for which the same was sold, and the time when the right to redeem will expire. The collector shall be entitled to the same fees for selling as are allowed by law for similar services. The clerk shall keep a record of such sales, which shall be open to public inspection at all reasonable times.

Certificates.

Redemption.

§ 11. The right of redemption in all cases of sales for taxes or assessments, shall exist to the owner, his heirs, creditors or assigns, to the same extent as is allowed by law in the case of sales of real estate for taxes, on the payment in specie of double the amount for which the same was sold, and all taxes accruing subsequent to the sale, with interest. If the real estate of any infant, *feme covert*, or lunatic, be sold under this act, the same may be redeemed at any time within one year after such disability be removed. In case of redemption, the money may be paid to the purchaser, or for him to the city clerk, who shall make a special deposit thereof with the treasurer, taking his receipt therefor. If not redeemed according to law, the common council shall, upon the return of the certificate, or proof of its loss, direct a deed to be executed to the purchaser, under the corporate seal, signed by the mayor or presiding officer of the council, and countersigned by the clerk, conveying to such purchaser the premises so sold and unredeemed, as aforesaid. An abstract of all deeds so made and delivered shall be entered by the clerk in the book wherein tax sales are recorded. A fee of one dollar may be charged by the clerk for every deed so issued.

Fee.

Assignees.

§ 12. The assignee of any tax certificate of any premises sold for taxes, or assessments under authority of said city, shall be entitled to receive a deed of such premises, in his own name, and with the same effect as though he had been the original purchaser.

When city to become purchaser.

§ 13. If at any sale of real or personal estate, for taxes or assessments, no bid shall be made for any parcel of land, or any goods and chattels, the same shall be struck off to the city, and thereupon the city shall receive, in the cor-

porate name, a certificate of the sale thereof, and shall be vested with the same rights as other purchasers at such sales.

§ 14. All deeds made to purchasers of lots sold for taxes or assessments, by order of the council, shall be *prima facie* evidence, in all controversies and suits, in relation to the right of the purchaser, his or her heirs or assigns, to the premises thereby conveyed, of the following facts: 1. That the land or lot conveyed was subject to taxation or assessment at the time the same was advertised for sale, and had been listed and assessed in the time and manner required by law. 2. That the taxes or assessments were not paid at any time before the sale. 3. That the lands conveyed had not been redeemed from the sale at the date of the deed; and shall be conclusive evidence of the following facts:

Prima facie evidence.

Conclusive evidence.

1. That the land or lot was advertised for sale, in the manner and for the length of time required by law.

2. That the land was sold for taxes or assessments, as stated in the deed.

3. That the grantee in the deed was the purchaser.

4. That the sale was conducted in the manner required by law. And in all controversies and suits involving the title to land claimed and held under and by virtue of such deed, the person or persons claiming the title adverse to the title conveyed by such deed shall be required to prove, in order to defeat the said title, either that the land was not subject to taxation at the date of the sale; that the taxes or assessments had been paid; that the land had never been listed and assessed for taxation or assessment, or that the same had been redeemed according to the provisions of this act; and that such redemption was made for the use and benefit of the persons having the right of redemption, under the laws of this state; but no person shall be permitted to question the title acquired by the said deed, without first showing that he, she or they, or the person under whom he, she, or they claim title, had title to the land at the time of the sale, or that the title was obtained from the United States, or this state, after the sale, and that all taxes due upon the lands have been paid by such persons, or the person under whom he claims title as aforesaid.

Proof to defeat tax title.

CHAPTER IX.—*Fire Department.*

§ 1. The common council, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings shall not be erected, or placed, or repaired, without the permission of the common council, and to direct that all and any buildings within the limits prescribed shall be made or constructed

Power to establish fire limits.

of fire proof materials, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage.

Powers to prevent and extinguish fires.

§ 2. The common council shall also have power :

1. To regulate the construction of chimneys, so as to admit chimney sweeps, and to compel the sweeping and cleaning of chimneys.

2. To prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove pipes, ovens, boilers and apparatus used and about any building or manufactory, and to cause the same to be removed or placed in a safe and secure condition, when considered dangerous.

3. To prevent the deposite of ashes in unsafe places, and to appoint one or more officers to enter into all buildings and inclosures, to discover whether the same are in a dangerous state, and to cause such as may be dangerous to be put in safe condition.

4. To require the inhabitants to provide as many fire buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in times of fire.

5. To regulate and prevent the carrying on of manufactories dangerous in causing or promoting fire.

6. To regulate and prevent the use of fire-works, and fire-arms.

7. To compel the owners or occupants of houses or other buildings to have scuttles in the roofs, and stairs or ladders leading to the same.

8. To authorize the mayor, aldermen, fire-wardens, or other officers of said city, to keep away from the vicinity of any fire all idle and suspicious persons, and to compel all officers of said city, and other persons, to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat.

9. And generally to establish such regulations for the prevention and extinguishment of fires, as the common council may deem expedient.

Engines.

§ 3. The common council shall procure fire engines and other apparatus used for the extinguishment of fires, and have the charge and control of the same, and provide fit and secure engine houses, and other places, for keeping and preserving the same, and shall have power :

Fire companies, &c.

1. To organize fire, hook, hose, bag, ladder and axe companies.

Firemen.

2. To appoint, during their pleasure, a competent number of able and reputable inhabitants of said city, firemen, to take the care and management of the engines, and other apparatus and implements used and provided for the extinguishment of fires.

3. To prescribe the duties of firemen, and to make rules and regulations for their government, and to impose reasonable fines and forfeitures for a violation of the same; and for incapacity, neglect of duty or misconduct, to remove them. Duties of firemen.

§ 4. The chief and assistant engineers of the fire department, with the other firemen, shall take the care and management of the engines, and other apparatus and implements used and provided for the extinguishment of fires; and their duties and powers shall be defined by the common council. Duties of chief and assistant engineers.

§ 5. The members of the common council and firemen shall, during their term of service as such, be exempt from serving on juries in all courts of this state, and in the militia, and shall likewise be exempt from working out any road or street tax. The name of each fireman shall be registered with the clerk of the city, and the evidence to entitle him to the exemption provided in this section shall be the certificate of the clerk, made within the year in which the exemption is claimed. Exemption.

§ 6. Every fireman who shall have faithfully served as such in said city for the term of ten years, shall be thereafter exempt from serving on juries in all courts in this state, or in the militia, except in case of war, invasion or insurrection; and the evidence to entitle such person to such exemption shall be a diploma, under the corporate seal, signed by the mayor and clerk. Exemption.

CHAPTER X.—*Board of Health.*

§ 1. The board of health shall consist of three or more commissioners, to be appointed annually by the common council; and the mayor or presiding officer of the common council shall be president of said board; and the city clerk shall be clerk thereof, and keep minutes of its proceedings. Board of health.

§ 2. It shall be the duty of health officers to visit every sick person who may be reported to the board of health, as hereinafter provided, and to report, with all convenient speed, their opinion of the sickness of such person to the clerk of the said board of health; and to visit and inspect, at the request of the president of said board, all boats or vessels coming, or lying and being within the harbor of the city, which are suspected of having on board any pestilential or infectious disease, and all stores and buildings which are suspected to contain unsound provisions or damaged hides, or other articles, and to make report of the state of the same, with all convenient speed, to the clerk of the board of health. Duty of health officers.

Removal of infected persons, &c.

§ 3. All persons in said city, not residents thereof, who shall be infected with any pestilential or infectious disease, and all things which in the opinion of said board shall be infected by or tainted with pestilential matter, and ought to be removed, so as not to endanger the health of the city, shall, by order of said board, be removed to some proper place, not exceeding fifteen miles beyond the city bounds, to be provided by the board at the expense of the person who may be removed, if able; and the board may order any furniture or wearing apparel to be destroyed whenever they may judge it to be necessary for the health of the city, by making just compensation.

Infected vessels.

§ 4. In case any boat or vessel shall come or be within the harbor or jurisdiction of the city, and the said board of health shall believe that such boat or vessel is dangerous to the inhabitants of said city, in consequence of her bringing and spreading any pestilential or infectious disease among said inhabitants, or have just cause to suspect or believe that if said boat or vessel is suffered to remain within the harbor or jurisdiction aforesaid, it will be the cause of spreading among the said inhabitants any pestilential or infectious disease, it shall and may be lawful for the said board, by an order in writing, signed by the president for the time being, to order such boat or vessel to be forthwith removed to any distance not exceeding fifteen miles beyond the bounds of said city, after the delivery of such order to the owner or consignee of said boat or vessel to quarantine, under such regulations and for such time as the council or the board of health may prescribe; and if the master, owner or consignee to whom such order shall be delivered, shall neglect or refuse to comply therewith, or if after such removal, such master, owner or consignee shall neglect or refuse to obey the regulations which may be prescribed, the said president may enforce such removal or other regulations in such manner as the council may by ordinance direct; and such master, owner or consignee shall be considered guilty of a misdemeanor, and on conviction shall be fined a sum not exceeding two hundred and fifty dollars, and imprisoned not exceeding six months in the jail of Cook county, or in the city bridewell or house of correction, by any court having cognizance thereof. The said fine shall be paid into the treasury.

Penalty.

Power of health officers.

§ 5. The health officers may be authorized by the common council, when the public interests require, to exercise, for the time being, such of the powers and perform such of the duties of marshal, street commissioner, and constable, as the common council may, in their discretion, direct, and shall be authorized to enter all houses and other places, private and public, and boats or other vessels, at all times, in the discharge of any duty under this act.

§ 6. The common council shall have power to prescribe the powers and duties of the board of health, and to punish by fine or imprisonment, or both, any refusal or neglect to observe the orders and regulations of the board. Power to punish.

§ 7. Every person practising physic in the city, who shall have a patient laboring under any malignant or yellow fever, or other infectious or pestilential disease, shall forthwith make report thereof in writing to the clerk of said board; and for neglecting so to do shall be considered guilty of a misdemeanor, and be liable to a fine of fifty dollars, to be sued for and recovered in any action of debt, in any court having cognizance thereof, with costs, for the use of said city. Duty. of physicians.
Penalty.

CHAPTER XI.—*Schools and School Fund.*

§ 1. The school lands and school fund of township thirty-nine north, range fourteen east of the third principal meridian, shall be and the same are hereby vested in the city of Chicago. The common council shall, at all times, have power to do all acts and things in relation to said school lands and school fund, which they may think proper to their safe preservation and efficient management; and sell or lease said lands, and all canal or other lots or lands, or other property, which may have been, or may hereafter be donated to the school fund, on such terms, and at such times, as the common council shall deem most advantageous; and, on such sale or sales, lease or leaseings, to make, execute and deliver all proper conveyances; which said conveyances shall be signed by the mayor and countersigned by the clerk, and sealed with the corporate seal: *Provided*, that the proceeds arising from such sales shall be added to and constitute a part of the school fund. School fund vested in city.
Proviso.

§ 2. Nothing shall be done to impair the principal of said fund, or to appropriate the interest accruing from the same to any other purpose than the payment of teachers in the public schools in said township; and any school established in said township, without the limits of the city, shall be entitled to the same benefits and advantages from said fund, as it will be without the passage of this act, except as to donations which may have been or may hereafter be made to the same. Principal.
Application of interest.

§ 3. The common council shall have power :

1. To erect, hire or purchase buildings suitable for school houses, and keep the same in repair. Power of common council.
2. To buy or lease sites for school houses, with the necessary grounds.
3. To furnish schools with necessary fixtures, furniture and apparatus.

4. To establish, support and maintain schools, and supply the inadequacy of the school fund for the payment of city teachers, from school taxes.

5. To fix the amount of compensation to be allowed to teachers.

6. To prescribe the school books to be used, and the studies to be taught in the different schools.

7. To lay off and divide the city into school districts, and, from time to time, alter the same, or create new ones, as circumstances may require.

8. To appoint seven inspectors, to be denominated **BOARD OF SCHOOL INSPECTORS**; also, three trustees of schools in each district.

9. To establish and prescribe the powers and duties of the board of school inspectors and school trustees.

10. And generally have and possess the rights, powers and authority necessary for the proper management of schools and the school lands and funds belonging to the township, with power to enact such ordinances as may be necessary to carry their powers and duties into effect.

School agent.

§ 4. The school agent shall have the custody and management of the money, securities and property belonging to the school fund, subject to the direction of the common council.

Bond.

§ 5. The school agent, before entering upon his duties, shall give bond in such amount, and with such conditions and sureties as the common council may require. His compensation shall be paid out of the school fund; and he shall be subject, for misconduct in office, to the same penalties and imprisonment as school commissioners are or may be subject to by law.

Compensation.

Loans.

§ 6. The school fund shall be kept loaned at interest, at the rate of twelve per cent. per annum, payable semi-annually in advance. No loan shall be made hereafter for a longer period than ten years, and all loans exceeding one hundred dollars shall be secured by unincumbered real estate, of double the value of the sum loaned, exclusive of the value of perishable improvements thereon. For sums of one hundred dollars and less, two good sureties, besides the principal, shall be required: *Provided*, the common council shall have power to reduce the rate of interest by a vote of two thirds of all the aldermen elected.

Security.

Proviso.

Notes &c., how to be taken.

§ 7. All notes and securities shall be taken to the city of Chicago, for the use of the inhabitants of said township, for school purposes, and in that name all suits, actions, and every description of legal proceedings, may be had.

Expenses.

§ 8. All expenses of preparing or recording securities shall be paid exclusively by the borrower.

Preference.

§ 9. In the payment of debts of deceased persons, those due the school fund shall be paid in preference to all

others, except expenses attending the last illness and funeral of the deceased, not including the physician's bill.

§ 10. If default be made in the payment of interest, or Default. of the principal, when due, interest at the rate of fifteen per cent. upon the same shall be charged from the default, and may be recovered by suit or otherwise. Suits may be brought for the recovery of interest only, where the principal is not due.

§ 11. All judgments recovered for interest or principal, or both, shall respectively bear interest at twelve per cent. per annum, from the rendition of judgment until paid; and in case of the sale of real estate thereon, the city of Chicago may become the purchaser thereof, for the use of the school fund, and be entitled to the same rights given by law to other purchasers. On redemption, twelve per cent. interest shall be paid from the time of sale. Interest on judgments.

§ 12. No costs made in the course of any judicial proceedings, in which the city of Chicago, for the use of the school fund, may be a party, shall be chargeable to the school fund. Costs.

§ 13. If the security on any loan should, at any time before the same is due, become, in the united judgment of the school agent and common council, insecure, the agent shall notify the person indebted thereof; and unless further satisfactory security shall be forthwith given by the debtor, judgment may be recovered thereon as in other cases, although no condition to that effect be inserted in the note or other security. Renewal of security.

§ 14. The common council shall annually publish, on the second Tuesday in February, in the corporation newspaper of the city, the number of pupils instructed in the year preceding, the several branches of education pursued by them, and the receipts and expenditures of each school, specifying the sources of such receipts, and the objects of such expenditures. Publication of statistics.

§ 15. The school tax shall be paid into the city treasury, and be kept a separate fund for the building of school houses, and keeping the same in repair, and supporting and maintaining schools. School tax to constitute a separate fund.

CHAPTER XII.—*Miscellaneous Provisions.*

§ 1. The common council shall, at least ten days before the annual election in each year, cause to be published in two newspapers in said city, a full and correct statement of the receipts and expenditures from the date of the last annual report, together with the sources from whence the former are derived, and their mode of disbursement; and also a distinct statement of the whole amount assessed, received and expended in the respective wards and divisions for ma- Statement of receipts and expenditures.

king and repairing roads, highways and bridges, for the same period, together with such other information as may be necessary to a full understanding of the financial concerns of the city.

Remittance of
fines and pen-
alties.

§ 2. Neither the mayor or common council shall remit any fine or penalty imposed upon any person for the violation of the laws or ordinances of said city, or release from imprisonment, unless two-thirds of all the alderman authorized to be elected shall vote for such release or remission; nor shall any thing in this act be so construed as to oust any court of jurisdiction to abate and remove nuisances, in the streets or any other parts of said city, or within its jurisdiction, by indictment or otherwise.

Reconsideration
of votes at
special meet-
ings.

§ 3. No vote of the common council shall be reconsidered or rescinded at a special meeting, unless at such special meeting there be present as large a number of aldermen as were present when such vote was taken.

Cemetery lots
exempt from
execution.

§ 4. The cemetery lots which have or may hereafter be laid out and sold by said city for private places of burial, shall, with the appurtenances, forever be exempt from execution and attachment.

Publication of
ordinances.

§ 5. Every ordinance, regulation or by-law imposing any penalty, fine, imprisonment or forfeiture for a violation of its provisions, shall, after the passage thereof, be published one week in the corporation newspaper, and proof of such publication, by the affidavit of the printer or publisher of said newspaper, taken before any officer authorized to administer oaths, and filed with the city clerk, or any other competent proof of such publication, shall be conclusive evidence of the legal publication and promulgation of such ordinance or by-law, in all courts and places.

Actions.

§ 6. All actions brought to recover any penalty or forfeiture incurred under this act, or the ordinances, by-laws or police regulations made in pursuance of it, shall be brought in the corporate name. It shall be lawful to declare generally, in debt for such penalty or forfeiture, stating the clause of this act or the by-laws or ordinances under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

Process.

§ 7. In all prosecutions for any violation of any ordinance, by-law, police or other regulation, the first process shall be a summons, unless oath or affirmation be made for a warrant, as in other cases.

Police justices.

§ 8. The common council shall have power to designate two or more justices of the peace in said city, who shall have jurisdiction in any actions for the recovery of any fine or penalty under this act, or any ordinance, by-law, or police regulation of the city council, any thing in the laws of this state to the contrary notwithstanding. Such justices shall have power to fine or imprison, or both, in their discre-

tion, where discretion may be vested in them by the ordinance or regulation or by this act. The mayor may hold a police court.

§ 9. Execution may be issued immediately on the rendition of judgment. If the defendant in any such action have no goods or chattels, lands or tenements, whereof the judgment can be collected, the execution shall require the defendant to be imprisoned in close custody in the jail of Cook county, or bridewell, or house of correction, for a term not exceeding six months, in the discretion of the magistrate or court rendering judgment; and all persons who may be committed under this section shall be confined one day for each fifty cents of such judgment and costs. All expenses incurred in prosecuting for the recovery of any penalty or forfeiture, when collected, shall be paid to the treasurer for the use of the city. Execution.

§ 10. Any person or persons who shall injure or destroy any bridge, the construction of which may have been heretofore or may be hereafter authorized or permitted to be built by the common council, or any other public buildings or property belonging to said city, or shall cause or procure the same to be injured or destroyed, shall be subject to a penalty not exceeding five hundred dollars for each offence, to be recovered by the city in an action of debt, and may be imprisoned for a term not exceeding six months, in the discretion of the magistrate before whom such conviction may be had, and such person or persons shall also be liable in a civil action, at the suit of the city, for the damages occasioned by such injury or destruction. Penalty.

§ 11. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant or freeholder in the city of Chicago, in any action or proceeding in which the said city is a party in interest. Witnesses.

§ 12. All ordinances, regulations and resolutions now in force in the city of Chicago, and not inconsistent with this act, shall remain in force under this act until altered, modified or repealed by the common council, after this act shall take effect. Ordinances to remain in force.

§ 13. All actions, rights, fines, penalties and forfeitures, in suit or otherwise, which have accrued under the several acts consolidated herein, shall be vested in and prosecuted by the corporation hereby created. Actions, &c.

§ 14. All property, real, personal or mixed, belonging to the city of Chicago, is hereby vested in the corporation created by this act; and the officers of said corporation now in office, shall respectively continue in the same until superseded in conformity to the provisions hereof, but shall be governed by this act, which shall take effect from and after its passage. Property vested in corporation.

Ordinances.

§ 15. All ordinances of the city, when printed and published by authority of the common council, shall be received in all courts and places without further proof.

Public act.

§ 16. This act shall be deemed a public act, and may be read in evidence without proof; and judicial notice shall be taken thereof in all courts and places.

**Former acts not
invalidated.**

§ 17. This act shall not invalidate any legal act done by the common council of the city of Chicago, or by its officers; nor divest their successors under this act of any rights of property, or otherwise, or liability which may have accrued to or been created by said corporation prior to the passage of this act.

**Power of con-
servators of the
peace.**

§ 18. All officers of the city created conservators of the peace by this act shall have power to arrest or cause to be arrested, with or without process, all persons who shall break or threaten to break the peace, commit for examination, and, if necessary, detain such persons in custody over night in the watch-house, or other safe place, and shall have and exercise such other powers as conservators of the peace as the common council may prescribe.

Jail fees.

§ 19. The city of Chicago shall not be liable in any case for the board or jail fees of any person who may be committed by any officer of the city, or by any magistrate, to the jail of Cook county, for any offence punishable under the laws of this state.

Powers.

§ 20. Nothing in this act contained shall be so construed as to deprive the common council of said city of any power or authority conferred upon the same by the act incorporating said city, and the various acts amendatory thereto. But the common council shall possess and enjoy all the powers and authority heretofore conferred upon the same, except so far as such powers and authority have been expressly modified or repealed by this act, or the acts heretofore mentioned.

This act shall be deemed a public act, and take effect from and after its passage.

APPROVED February 14, 1851.

AN ACT to amend an act entitled "An act concerning the Mount Carbon Coal Com-pany." In force Feb. 15, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the said Mount Carbon Coal company shall not be allowed, and they are hereby debarred, from running their railroad, chartered in the above recited act, at a less distance than four hundred feet from the high water bank of Big Muddy river, so far as they construct said road upon the south-west quarter of section nine, township nine south, range two west of the third principal meridian, owned and occupied by Edward Holden, John Cavender; James Smith, William H. Smith and others. Prohibition,

§ 2. And the said Mount Carbon Coal company shall not, and they are hereby debarred, from building or constructing said railroad upon any lower or higher grade than the railroad heretofore constructed and now in operation by the said Edward Holden and others, while crossing said railroad. Further prohibition.

§ 3. This act shall take effect and be in force from and after its passage.

APPROVED Feb. 15, 1851.

AN ACT to incorporate the Astoria Seminary, at Astoria, Fulton county, Illinois. In force Feb. 15, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That William A. Hendnall, Balzee W. Lutz, Zachariah Gilbert, Jacob C. Carlock, John Boyd, Robert McClelland and A. P. Robertson be and they are hereby constituted a body politic and corporate, under the name and style of "The Trustees of Astoria Seminary," and by that name shall have perpetual succession, and a common seal, and as such shall be authorized to exercise all powers and privileges that are enjoyed by the trustees of any seminary or institution of learning in this state, not herein limited or otherwise restricted. Corporation. Powers.

§ 2. The said trustees, or a majority of them, shall hold their first stated meeting at the town of Astoria, on the first Saturday in June, one thousand eight hundred and fifty-one, or as soon thereafter as may be convenient, and they, or a majority of them, shall, as soon as they think proper, fix upon a permanent location for said seminary, at or within a quarter of a mile of the said town of Astoria, and proceed to erect a building or buildings thereon, as First meeting of corporators. Location of seminary.

soon as convenient and the interest of said institution may require.

Real estate. § 3. The said trustees, or their successors, by the name of "The Trustees of Astoria Seminary," shall be capable in law to purchase, receive and hold, to themselves and successors, for the use and benefit of said institution, any land or tenements, not exceeding three hundred and twenty acres of land, or rents, goods and chattels of what kind soever which shall be given, or devised to or purchased by them for the use of said seminary: *Provided*, that the same shall not exceed thirty thousand dollars; and the said trustees, by their name aforesaid, may sue and be sued, plead and be impleaded, in any court of law or equity in this state.

Limitation. § 4. In case a sufficient number of the trustees do not attend to constitute a board for the transaction of business at any meeting, those who do attend may adjourn to any day thereafter, or to the next stated meeting, and shall give ten days' notice of any such adjourned meeting. A majority of the trustees shall be a sufficient number to constitute a board for the transaction of all business for said seminary.

Proviso,

Adjournments.

Quorum.

By-laws. § 5. The trustees shall have power, from time to time, to make, alter or amend by-laws, rules and regulations for their government, and the management of said seminary, not contrary to the constitution and laws of this state, or of the United States, or the provisions of this charter.

Officers. § 6. The trustees shall elect a president, secretary and treasurer to their own body, but the treasurer shall not be one of the trustees; they shall also have power to elect a principal and such other inferior tutors as may be necessary; and upon the death, resignation or legal disability of any of the trustees, president or other officers of the said institution, the board of trustees shall supply the vacancy by ballot.

Principal and tutors.

Vacancies.

Bonds. § 7. The treasurer of said institution always, and other agents, when required by the trustees, before entering upon the duties of their offices, shall give bonds for the security of the corporation in such penal sum and with such securities as the board of trustees shall approve; which bond shall run in the name of the trustees of said institution, in their corporate capacity, for the use of said institution. All process against said corporation shall be by summons, and service of the same shall be by leaving an attested copy with the secretary of said institution at least twenty days before the return day thereof.

Process.

§ 8. The president and other officers of said institution shall be subject to the direction of the board of trustees, and shall continue in office for such term of time as may be fixed by the by-laws. The president of the board of

trustees shall have power to call special meetings of said trustees, and it shall be his duty, upon the request of three of them, to do the same, giving ten days' notice thereof.

§ 9. The trustees of the corporation shall have authority, from time to time, to prescribe and regulate the course of studies to be pursued in said institution, to fix the rate of tuition, room rent and other expenses connected therewith; to appoint instructors, and such other officers and agents as shall or may be needed in managing the concerns of said institution; to define their powers, duties and employments; to fix their compensation; to displace or remove either of the instructors, officers and agents; to erect the necessary buildings; to purchase books, chemical, astronomical, philosophical and mathematical apparatus, and other suitable means for instruction; to make rules for the general management of the institution, and the regulation of the conduct of the students, and to add, as the ability of the said corporation shall increase, and the interest of the community shall require, additional departments for the study of any or all of the liberal professions. Females as well as males may be taught in said seminary, and a department expressly for the education of females may be attached thereto, whenever the trustees, in their discretion, may so direct. And the said trustees may also attach to said institution a department for such branches as are taught in common schools; and where such departments shall be in operation in conformity with the school laws of this state, and the trustees shall be entitled to draw their proportion of the school fund for such scholars as may attend the same belonging to the township where said seminary may be located.

Course of studies.

Power of trustees.

§ 10. The trustees of said institution shall be accountable at all times for their conduct in the management of the business aforesaid, to the general assembly of the state.

Accountability of trustees.

§ 11. Professors, tutors or instructors in said seminary, shall in no event belong to the board of trustees.

Members not to be trustees.

This act to take effect from and after its passage.

APPROVED Feb. 15, 1851.

AN ACT to incorporate the Warsaw and Macomb Railroad Company.

In force Feb. 15, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That all persons who shall become stockholders pursuant to this act, shall be and they are hereby constituted a body politic and corporate, by the name of the "Warsaw and Macomb*

Corporation.

General powers. "Railroad company," and by that name shall have perpetual succession, and have power to contract and be contracted with, sue and be sued, plead and be impleaded, in all courts and places, have a common seal, and alter the same at pleasure, and shall have power to make by-laws, not inconsistent with the laws of this state or of the United States.

Appointment of person to manage business. § 2. The said company hereby incorporated may appoint any one or more of its members, or other person or persons, to manage, control and direct the business and operations of said company, according to such by-laws, rules and regulations of said company as may be passed by them from time to time, not inconsistent with law as aforesaid.

Object of corporation. § 3. The said company are hereby authorized to construct and maintain a railroad from the town of Warsaw, in Hancock county, by Carthage and Macomb, on the track of the Peoria and Warsaw railroad, to Canton, terminating at said Canton, in Fulton county, or at such point on such route between said points as a majority of the directors of said company shall determine, to transport, carry and convey persons and property upon the same, by the power and force of steam, of animals or any mechanical power.

Right to use road commenced by state. § 4. It shall be lawful for said company to take possession of such road or parts of said railroad as have been heretofore commenced on said route by the state, and to construct their road thereon, and the said company is hereby authorized to sue for and receive all damages, if any, that may be done or may have been done to said road; and on the completion of said road, or any part thereof, by the said company, all the interest, property, right of way and every privilege belonging to the state in the same, shall be vested in, and ever after such completion as aforesaid, become the property of said company. Said completion to be ascertained by the report of some engineer, made under oath to the governor; which report shall be filed by him in the auditor's office of this state.

Commissioners. § 5. John F. Charles, William H. Roosevelt, William H. Ralston and Artois Hamilton, of Hancock county; and Thompson Chandler, Hugh Ervin and Isaac Grantham, of McDonough county; Thompson Maple and John W. Ingersoll, of Fulton county, are hereby appointed commissioners, whose duty it shall be, within six months after the passage of this act, at some suitable place in the towns of Warsaw, Carthage, Macomb, and in such other places as a majority of them shall direct, to open books and receive subscriptions to the capital stock of said company, in shares of one hundred dollars each, after giving thirty days' notice of the time and place of opening such books; and the said commissioners shall be authorized to re-open said books at such other times and places, and in such manner and after such notice as they or a majority of them shall

Subscriptions.

direct; and whenever the sum of one hundred thousand dollars capital stock shall be subscribed, it shall be the duty of said commissioners to give thirty days' notice in some newspaper or newspapers, for a meeting of the stockholders, at such time and place as a majority of said commissioners may appoint, to choose five directors; each share of the capital stock entitling a stockholder to one vote, which vote may be given in person or by proxy. The said commissioners to conduct the first election, to certify under their hands the names of the five persons thus elected, and deliver over the subscription books to the said directors; and the time and place of holding the first meeting of the directors shall be fixed by the said commissioners. Directors.

§ 6. The directors are hereby authorized to make or cause to be made such examinations and surveys on the aforesaid railroad route as they shall deem necessary and proper, for the purpose of carrying into effect the object of said corporation, and to take possession of and use such portions of the old railroads belonging to the state, in conformity to section four hereof, and may also take and hold all voluntary grants and donations of land, money or labor to aid in the construction, maintenance and accommodation of their said railroad; and all lands entered upon and taken for the use of said corporation, outside of the old railroad route as aforesaid, which are not donated by the owners thereof to said corporation, shall be paid for by the said corporation, at such price as may be mutually agreed upon by said corporation, and the owner or owners of such land; and in case of disagreement the price shall be estimated, fixed and recovered in the manner provided by law for the recovery of damages happening by the laying out of highways. Power of directors.

§ 7. It shall be lawful for the company hereby incorporated, from time to time, to fix, regulate and recover the tolls and charges by them to be received for transportation of property or persons on the railroad aforesaid hereby authorized to be constructed, erected, built, made and used, and apply its surplus funds to such purposes as the company may think proper. Tolls.

§ 8. It shall be lawful for the directors to require payment of the capital stock subscribed, in such sums, at such times and in such proportions, and on such conditions, as they shall see fit, under the penalty of the forfeiture of all previous payments thereon; and shall give notice to the stockholders of the payments thus required, and of the place where and when the same are to be paid, at least thirty days previous to the payment of the same, and to authorize the subscription books of said company to be reopened, at such times and places as they may determine, for the further increase of their capital stock. Payment of subscriptions.

Penalty.

§ 9. If any person or persons shall wilfully, maliciously or wantonly, and contrary to law, obstruct the passage of any car on said railroad, or any part thereof, or any thing belonging thereto, he, she or they, or any person assisting, shall forfeit and pay to the company, for every such offence, treble such damages as shall be proved before any court competent to try the same, and such offender shall be deemed guilty of a misdemeanor, and liable to indictment and imprisonment in the county jail not exceeding two years; and in consequence of any such obstruction should any person or persons be badly injured, then such offender shall be deemed guilty of manslaughter, and, upon conviction thereof, punished by confinement in the penitentiary as provided by law.

Limitation.

§ 10. The said company is allowed two years to commence said road in, and five years to complete the same, from the passage of this act.

§ 11. This act to be in force from and after its passage.
APPROVED Feb. 15, 1851.

In force Feb. 15,
1851.

AN ACT for the relief of a certain person therein named.

Appropriation
to Wm. J. Ste-
phenson.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the auditor of public accounts be and he is hereby authorized and required to issue his warrant in favor of William J. Stephenson, for the sum of one hundred and fourteen dollars and eighty cents, for his services as clerk of the district court held at Metropolis, in Massac county, on the nineteenth day of September, A. D. one thousand eight hundred and forty-nine, in pursuance of a proclamation issued by the governor of this state; and the treasurer is hereby required, upon the presentation of said warrant, to pay the same out of any money in the treasury not otherwise appropriated.

§ 2. This act shall be in force from and after its passage.

APPROVED Feb. 15, 1851.

AN ACT to amend an act to incorporate the Spoon River Navigation company, approved March 3d, 1837; also the act entitled "An act to amend an act entitled 'An act to incorporate the Spoon River Navigation company,' approved February 28th, 1845." In force Feb. 15, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the third section of the act entitled "An act to amend an act entitled 'An act to incorporate the Spoon River Navigation company,' approved February twenty-eighth, one thousand eight hundred and forty-five," be and the same is hereby repealed. Part of act repealed.

§ 2. The said company shall be permitted to commence the improvement of said Spoon river, for the purpose of making the same navigable, as contemplated by the said company's charter, at any point the said company shall deem proper, and shall also have the right to procure from the owner or owners of any lands adjoining or in the vicinity of said river, by purchase or gift, or as provided by their charter, the right of way for any canal, cut or excavation, for the purpose of shortening the distance, or rendering their project more feasible; and in all cases where the lands belong to the state denominated "swamp or overflowed land" the right of way is hereby granted to said company of the width of one hundred feet, for the purpose of cutting any such canal, or making any such excavations for the use of said company: *Provided*, that in all cases where such state land is taken by said company, a survey thereof shall be made, and certified by a practical surveyor, signed by two or more of the directors of said company, and filed in the office of secretary of state. Point of commencing work. Right of way. Proviso.

§ 3. The said company shall have the right to cut, make and construct a canal, commencing at any point on said Spoon river, below the town of Bernadotte on said river, and to continue the same, or part or parts thereof, to the Illinois river, above or below the (now) junction of Spoon river and Illinois river, at any point that the said company shall deem for their interest or for the public good, and construct all necessary basins or work necessary for the safety of boats and for the protection of their works. Right to make canal.

§ 4. Said company may regulate and provide, in their by-laws, for the election of officers, their terms of service, fix their remuneration, and fill vacancies, and all such other matters as shall be necessary for the government of said company and protection of their property: *Provided*, the same shall not conflict with the constitution or laws of the United States or of this state; and any person or persons who shall wilfully obstruct the navigation of said Spoon river, or any canal belonging to said company, or wilfully injure any lock, dam, appendage, or any other property or thing belonging to said company, or connected with the By-laws. Proviso.

Penalty.

navigation of said river or canal, basin, cut, or excavation, shall forfeit and pay the said company the sum of three times the amount of actual damages, and in no case a sum less than twenty-five dollars, the same to be recovered in the name of the "Spoon River Navigation company," before any court having jurisdiction of the amount claimed; and if the said amount of damage or forfeiture claimed does not exceed one hundred dollars, then before any justice of the peace in the county where such person or persons may be found in this state. All laws and parts of laws enacted for the benefit of said company, or constituting their chapter, which may come in conflict with this act, are hereby repealed.

This act to be in force from and after its passage.

APPROVED February 15, 1851.

In force Feb. 15, 1851. AN ACT to authorize certain persons to construct a dam across Fox river, for hydraulic and manufacturing purposes.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That William H. W. Cushman, George E. Walker, John V. A. Hoes, George H. Norris, Lorenzo Leland and Henry G. Colton, or such of them or such other persons as may choose to associate with them, by subscribing to the stock of a company as hereinafter authorized, are hereby created a body corporate and politic, by the name of the "Ottawa Manufacturing company," and by that name shall have perpetual succession, and be capable of contracting and being contracted with, of suing and being sued, of acquiring, either by purchase or under the provisions of this act as hereinafter authorized, and of holding real estate and personal property, for the purposes contemplated and authorized by this act, or in discharge of debts due the said corporation, and of using and disposing of the same; may have a common seal, which they may alter at pleasure, and may make all needful by-laws for the government of the company, its officers, and the management of its affairs, and alter the same at pleasure; may appoint or provide for the election of such officers and agents as may be deemed necessary, and prescribe the duties and liabilities of all the officers of said company.

Object of corporation.

§ 2. The said company, when formed, are hereby authorized to build a dam across Fox river, on section eleven (11,) or twelve (12,) in township thirty-three (33) north, of range three (3) east, in La Salle county, for the purpose

of creating a water power ; and the said company may use, lease or otherwise dispose of the same, and may construct such other works, buildings and machinery as may be deemed necessary or proper to use such water and to promote the interests and objects of the company.

§ 3. The said company, having first obtained the assent of the corporate authorities of the town of Ottawa, may use any of the streets, alleys or public grounds in the said town, for the purpose of creating such power, or of using or applying the same, as herein provided and authorized. Use of streets &c., in Ottawa.

§ 4. The capital stock of said company shall not exceed fifty thousand dollars, which shall be divided into shares of one hundred dollars each. Capital stock.

§ 5. The persons named in the first section of this act, or a majority of them, or of the survivors of them, if any shall die, may cause books of subscription to the capital stock of said company to be opened at some public place, after having given notice of the same for at least thirty days, by publication in some newspaper printed in said county. Any person may become a stockholder in said company, by subscribing at least one share and paying the same, and all assessments thereon when called for. Each share shall be entitled to one vote in all proceedings or elections of said company, which may be given in person or by proxy. Subscriptions.

§ 6. After five thousand dollars of the stock of said company shall be subscribed, and ten per cent. thereon paid in, an election may be held for not less than three nor more than seven directors, of which the same notice shall be given as required in section five. At the same time and place such articles of association and by-laws as may be deemed best for the government of the company and its officers, and the management of its affairs, may be adopted. Election of directors.

§ 7. The directors shall hold their offices for one year and until their successors are chosen, which may be provided for in the articles of association or by-laws of said company. The directors shall have the management of all the business of said corporation, the application of its funds, the disposition of its property, and shall make all contracts and conveyances ; all of which, however, shall be in accordance with the articles of association and by-laws of said corporation. Term of office.

§ 8. The said corporation, for the purposes herein expressed and authorized, may enter upon and take or flow any real estate deemed necessary : *Provided*, that the said company shall pay the value of such real estate and damage done by flowing or injuring lots or lands by the erection of the said dam or any of the works of the company. For the purpose of ascertaining the value of such real estate, or the amount of such damage, the said company may apply, Real estate. Proviso. Damages.

Legal proceed-
ings.

by petition, to the circuit or county court of said county; in which petition shall be set forth the point, as near as may be, at which the said company propose to build the said dam, or at which the same is built, and the height to which they propose to erect or have erected the same above low or the ordinary stage of water in said river, the property, particularly describing it, taken or proposed to be taken for the purposes herein authorized, or to be flowed, occupied or injured by the works of said company. Notice shall be given of the filing of such petition, or of the intention so to do, personally to the owners, if known, and by publication in at least two newspapers printed in said county, once in each for six weeks, stating in such notice the facts required to be set forth in the petition, the last of which publication shall be at least sixty days prior to the day on which said petition is heard or acted upon by said court. Any person owning or having an interest in such real estate, or any part thereof, may, upon application by filing in the court a statement of such ownership or interest, verified by his or her affidavit, be heard in such proceeding. Upon the hearing of such petition the said court shall appoint five commissioners, who shall be disinterested, and who shall take an oath faithfully to discharge the duties of their office, any three of whom shall be competent to act. The said commissioners, or a majority of them, shall, at such time and place as the said court may direct, proceed to examine and estimate the value of such real estate as is proposed to be taken, and the injury which may be done by the said dam or works of said company to the real estate flowed or to be flowed or injured thereby. The said commissioners may administer oaths, and hear any evidence offered, and may personally inspect the property; and in estimating the damages shall consider the benefits to result from the works of said company. The commissioners shall report to said court, stating the value of such real estate and the damages, setting forth the value of or damage to each parcel of real estate, separately. The said court, upon receiving such report, shall make an order condemning such real estate to the use of said company, or its works, and the company shall thereupon, on demand, pay to the persons legally entitled thereto the amount so ascertained: *Provided*, the said court may, for good cause shown, order a re-assessment of the value or damages of such real estate, or any portion thereof. The said company shall also pay all costs of the proceedings.

Proviso.

Damages.

§ 9. Any person owning lands taken, flowed or injured, may, in like manner, apply to said court to have the value of the same, or the injury thereto, ascertained, but no other or further proceedings shall be had against said company.

§ 10. This act shall be considered a public act.

APPROVED Feb. 15, 1851.

AN ACT to incorporate the Farmers' College in Macoupin county, Illinois.

In force Feb. 15,
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Alvin M. Dixon, John A. Chesnut, Samuel Welton, Grundy H. Blackburn and David A. McCord, and their successors, be and they are hereby created a body corporate and politic, by the name of the "Trustees of the Farmers' College," and by that style and name to remain and have perpetual succession. The college shall remain permanently located in Macoupin county; the number of trustees shall not exceed fifteen, exclusive of the president, principal or presiding officer of the college, who shall be *ex officio* a member of the board of trustees. Corporation.
Location of college.

§ 2. For the present the aforesaid individuals shall constitute the board of trustees, who shall fill the remaining vacancies at their discretion. The object of said corporation shall be the promotion of the general interests of education, and to qualify young men to engage in the several employments of society, and to discharge honorably and usefully the various duties of life. Trustees.
Objects.

§ 3. The corporate powers hereby bestowed shall be such only as are essential or useful in the attainment of said object, and such as are usually conferred on similar bodies corporate, viz: to have perpetual succession, to make contracts, to sue and be sued, implead and be impleaded, to grant and receive, by its corporate name, and to do all other acts as natural persons may; to accept, acquire, purchase or sell property, real, personal and mixed, in all lawful ways; to use, employ, manage and dispose of all such property, and all money belonging to said corporation, in such manner as shall seem to the trustees best adapted to promote the objects aforementioned; and to have a common seal, and to alter or change the same; to make such by-laws for its regulation as are not inconsistent with the constitution and laws of the United States or of this state, and to confer on such persons as may be considered worthy such academical or honorary degrees as the nature and title of the institution indicate. Corporate powers.

§ 4. The trustees of the corporation shall have authority, from time to time, to prescribe and regulate the course of studies to be pursued in said college, and in the preparatory departments attached thereto, to fix the rate of tuition, room rent, and other college expenses; to appoint instructors, and such other officers and agents as may be needed in managing the concerns of the institution; to define their powers, duties and employments; to fix their compensation; to displace and remove either of the instructors, officers or agents, as said trustees shall deem the interest of the said college; to require to fill all vacancies Power of trustees.

among said instructors, officers and agents; to erect necessary buildings; to purchase books and chemical and philosophical apparatus, and other suitable means of instruction; to put in operation a system of manual labor, for the purpose of lessening the expense of education and promoting the health of the students; to make rules for the general management of the affairs of the college, and for the regulation of the conduct of the students, and to add, as the ability of the said corporation shall increase, and the interest of the community shall require, additional departments for the study of agriculture and the mechanical arts, on scientific principles.

Vacancy. § 5. If any trustee shall be chosen president of the college, his former place as trustee shall be considered as vacant, and his place filled by the remaining trustees. The trustees for the time being shall have power to remove any trustee from his office of trustee for any dishonorable or criminal conduct: *Provided*, that no such removal shall take place without giving to such trustee notice of the charges exhibited against him, and an opportunity to defend himself before the board, nor unless that two-thirds of the whole number of trustees for the time being shall concur in such removal. The trustees for the time being, in order to have perpetual succession, shall have power, as often as a trustee is removed from office, die, resign or remove out of the state, to appoint a resident of the state, to fill the vacancy in the board of trustees occasioned by such removal from office, death, resignation or removal from the state. A majority of the trustees for the time being shall be a quorum to do business.

Proviso.

Quorum.

Application of funds. § 6. The trustees shall faithfully apply all funds by them collected, or hereafter collected, according to their best judgment, in erecting suitable buildings, in supporting the necessary instructors, officers and agents; in procuring books, maps, charts, globes, philosophical, chemical, and other apparatus necessary to aid in the promotion of sound learning in the institution: *Provided*, that in case any donation, devise or bequest shall be made for particular purposes, accordant with the objects of the institution, and the trustees shall accept the same, every such donation, devise or bequest shall be applied in conformity with the express condition of the donor or devisor: *Provided, also*, that lands donated or devised as aforesaid shall be sold or disposed of as required by the ninth section of this act.

Proviso.

Further proviso.

Bonds required of officers. § 7. The treasurers of said college always, and all other agents when required by the trustees, before entering upon the duties of their appointment, shall give bonds for the security of the corporation, in such penal sum and with such securities as the board of trustees shall approve; and all process against the said corporation shall be by summons, and service of the same shall be by leaving an attested copy

with the treasurer of the college, at least thirty days before the returned day thereof.

§ 8. The said college and its preparatory departments shall be open to all denominations of christians, and the profession of any particular religious faith shall not be required of those who become students. All persons, however, may be suspended or expelled from said institution whose habits are idle or vicious, or whose moral character is bad. College open to persons of every religious faith.

§ 9. The lands, tenements and hereditaments to be held in perpetuity in virtue of this act by this corporation, shall not exceed six hundred and forty acres: *Provided, however,* that if donations, grants or devises in land shall, from time to time, be made to this corporation, over and above six hundred and forty acres, which may be held in perpetuity, as aforesaid, the same may be received and held by such corporation for the period of three years from the date of every such donation, grant or devise; at the end of which time, if the said lands, over and above the six hundred acres, shall not have been sold by the said corporation, then and in that case the said lands so donated, granted or devised shall revert to the donor, grantor or the heirs of the devisor of the same, if the donor, grantor, or the heirs of the same, shall so demand. Limitation of property. proviso.

APPROVED Feb. 15, 1851.

AN ACT to incorporate the American Bottom Drainage Company.

In force Feb. 15, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Henry Harbor, Malcom Robinson, Peter McCarty, J. F. Vignier, and their associates and successors, be and they are hereby constituted a body corporate and politic, by the name of the "American Bottom Drainage company," and with power to contract and be contracted with, sue and be sued in that name, in all courts and places; they may have a common seal, and alter the same at pleasure; they shall have power to organize said company, by the appointment of a president and such other officers as they may deem expedient, at such time or times, place or places, and upon such notice as they may think proper to give for that purpose; and when thus organized they and their successors shall have power to pass such by-laws and make such rules and regulations for the government of the company, and the management of its affairs and business, and the promotion of its interests, as they may deem to be promotive of the welfare Corporation. General powers.

and interests of said company, not inconsistent with the laws and constitution of the United States and of this state.

Objects. § 2. For the purpose of draining and reclaiming and rendering healthful all or any part or portion of that country which lies south of Wood river, in Madison county, and north of the Kaskaskia river, in Randolph county, and the Mississippi river and the bluffs, and within the limits aforesaid, said company are hereby authorized and empowered, within the boundaries aforesaid, to dig canals, ditches, sluices and outlets for standing waters in lakes, ponds, slashes, pools of water, creeks and lagoons, to turn the channels or beds of branches, rivulets, lakes, lagoons, creeks or ponds, and to remove all obstructions in the same; to raise embankments, levees or dykes wheresoever they shall deem advisable, and alter and vary the same at pleasure; to declare what shall be considered nuisances, and to cause the removal of the same.

Powers.

Private property. § 3. Whenever it shall be necessary to take private property for the use of the corporation, or to injure private property in carrying out the general purposes of the corporation, said company shall make a just compensation therefor to the person whose property or materials may be wanted and taken or injured; and in case the amount of injury, value, or damages and compensation therefor cannot be agreed on, the same shall be determined, valued, condemned and paid for or taken, by virtue of, under, and according to the provisions of the law of this state now in force in relation to the right of way; and when said value or damages are assessed and paid, or tendered, according to the provisions of said act, the lands or materials therein described shall become and be vested in said company, for the uses and purposes of said drainage; and when lands are in question a copy of said report shall be filed with and recorded by the proper recorder of deeds, in the county where said land may lie; a certified copy of which shall be evidence in all courts and places, as shall also any of the by-laws, rules, regulations and acts of said company, duly certified by the proper officer of said company, under the seal of said company.

Damages.

Capital stock. § 4. Said company may fix the amount of their capital stock, and increase the same from time to time: *Provided*, said capital and stock shall not exceed the sum of _____ hundred thousand dollars. It may be divided into shares, which shall be deemed personal property, and transferrable in the manner provided by the by-laws.

Proviso.

Penalty. § 5. Any person who shall wilfully or maliciously commit any damage, or do any injury to the works or property of said company, shall forfeit and pay to said company a sum equal to three times the amount of such damage or injury, recoverable by action of debt before any court hav-

ing jurisdiction, or may be indicted, and, upon conviction thereof, may be imprisoned and fined in the discretion of the court before which such conviction is had.

§ 6. Said company may, by its by-laws, fix and regulate the number of its directors, and other officers and agents, and the terms of office, the manner of appointing the same, and also their duties and compensations, and also all other matters and things proper and necessary to carry out the intent and purposes of this act, and to which end also they may acquire and hold such real and personal property as they may deem necessary for that purpose.

This act is hereby declared to be a public act, and to take effect from and after its passage.

APPROVED Feb. 15, 1851.

AN ACT to provide for the improvement of the navigation of the Kaskaskia river, and to drain the swamp and overflowed lands contiguous thereto. In force Feb. 15, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That William Williamson, Burnell Roberts, John B. Williams, John Meddlesworth, and Daniel Gallagher, of Shelby county; John Shirley, B. W. Thompson, James W. Berry, John L. Davis, and A. P. H. Doyle, of Fayette county; Thos. Keys, Henry Delay, George C. Lockwood, Daniel Collins, and Godfrey Ammons, of Clinton county; and Joseph Wells, Henry Brooksmith, and W. B. Rountree, of Washington county; and William C. Kinney, Aaron Land, jr., John Galbreath, William Beanman, and Jefferson Reaney, of St. Clair county; and Eben Leavenworth, J. Feaman, U. G. Wehahein, Sam'l B. Adams, John A. Willson, of Randolph, and Christian H. Kitler, of Monroe county, be and they are hereby associated together for the purposes and with the duties and powers hereinafter set forth, and shall have the power of succession and continuation as declared in this act, and shall be known as the "Kaskaskia River Navigation company," in all courts and places whatever. General powers.
Designation.

§ 2. The said persons shall meet together at Carlyle, in Clinton county, on the first Monday in the month of May next, and shall proceed to the election of a president and secretary, who shall hold their offices for one year, and until their successors shall be elected and qualified, and then there shall be annual elections of said officers held at Carlyle, on the first Monday of May of every year, and if special elections shall become necessary, by death, resignation or otherwise, the said president and secretary may Officers.

Special elections.	convene special meetings of the said company, at such times and places as they may deem proper for that or any other purpose. The said persons composing said company shall be allowed and paid out of the county treasury of the
Compensation.	county where they reside, the sum of one dollar and fifty cents for each day they may be necessarily engaged in going to, attending and returning from said meetings, to be certified to by the secretary of said company.
Objects.	<p>§ 3. The said company shall proceed, as soon as practicable, to determine upon the time and mode of proceeding in the improvement of the navigation of the Kaskaskia river, and of draining the swamp and overflowed lands adjacent thereto, if the same shall be found to be practicable, and upon determining the same they shall divide the course of the said river into sections of convenient length, and shall cause the said plan and the limits of said sections to be entered upon their books, which are to be safely kept and preserved by the secretary, subject to inspection and examination by any person interested therein; and the said books shall be delivered over safe and in good condition to his successor in office.</p>
Contracts.	<p>§ 4. It shall be the duty of the said president and secretary to cause proposals to be received for executing the work contemplated in the act as above determined upon, and for that purpose they shall give notice for at least one month, in at least one newspaper printed in each of the counties through which said river runs, of the time, place and terms upon which proposals will be received for effecting the improvement aforesaid; which proposals shall be sealed and delivered to the said secretary, to be by him opened in the presence of the said president, and it shall be their duty to award the contract to the lowest responsible bidder, who, upon giving bond security, to the satisfaction of said president and secretary, may be authorized to proceed in the execution of the work designated, pursuant to the plan agreed on, a copy of which plan shall be furnished to each contractor; and when the said work shall be completed and accepted by the said president and secretary, they shall give to said contractor a certificate, drawn upon the treasurer of the state, to be paid out of the proceeds of the sale of the swamp and overflowed lands lying in the said counties of Randolph, St. Clair, Washington, Clinton, Fayette and Shelby, for the amount due him; which certificate shall bear interest at the rate of six per cent. per annum, from date until paid. Said certificates shall be numbered, and the numbers, dates, amounts, and the name of the person to whom payable, shall be kept in a proper book provided for that purpose by the secretary, and they shall be signed by the said president and countersigned by the secretary, and no certificate or other evi-</p>
Payments.	

dence of indebtedness shall, on any account, be issued unless upon a compliance with the above requisites. Said certificates shall be assignable by indorsement, and not otherwise; and the said secretary shall furnish the treasurer of this state with the number and description of each certificate as soon as issued, which shall be filed and kept by said treasurer.

§ 5. The proceeds of the sales of the swamp and overflowed lands lying in the said counties shall be kept by the treasurer of the state separate and apart from the other lands in his custody, and shall be exclusively applied and appropriated to the payment of interest upon and the redemption of the said certificates, until the same are all paid and satisfied; and the said certificates shall also be received by the auditor or other proper officer of this state as cash, in the payment of any swamp or overflowed lands in any of the aforesaid counties; but before the said certificates shall be taken in payment for said lands the auditor or other officer shall procure from the said treasurer a statement, showing that said certificates are genuine, and correspond with the said lists furnished by said secretary.

Proceeds of swamp and overflowed lands.

Certificates.

§ 6. The auditor shall note in his books, whenever any certificate is received as aforesaid, the date, amount, number, and name of the person to whom payable, of any such certificate, and transmit the same to the treasurer, by whom it shall be cancelled and filed and preserved in his office, along with the certificates which he shall pay and redeem, which shall likewise be effectually cancelled.

Duty of auditor.

§ 7. Before the said president and secretary shall enter upon the duties of their offices, they shall each take an oath, faithfully and without partiality or prejudice, to discharge all the duties enjoined upon them by law, and that they will not be engaged in any way, directly or indirectly, in any contract or letting in connection with said work, during the time they or either of them shall be in office.

Oath of office.

§ 8. Any person who shall falsely make, alter, forge or counterfeit, or who shall knowingly have in his or her possession, with intent to alter or pass the same, or who shall knowingly alter and pass any forged or counterfeited certificate as aforesaid, shall be liable to the pains and penalties to which by law apply to forgery and counterfeiting.

Forgery of certificates.

§ 9. The said president and secretary shall be allowed such compensation as the said company may, at their second annual meeting, resolve upon, and the same shall be paid by the county courts of the said counties, in the proportion to which they shall be liable, according to representation in said company.

Compensation of officers.

§ 10. Whenever any of the above named members shall die, resign, remove from the county wherein they shall live at the time this act goes into effect, the county court of said

Vacancies.

county may, if they shall consider the same necessary, appoint some other person in his stead, who shall have all the rights and powers of his predecessor.

State not to be responsible.

§ 11. The state of Illinois shall never become responsible for any debt or liability under the provisions of this act, except in the manner and to the extent specified herein.

Suits, &c.

§ 12. All suits and actions growing out of the business and operations under this act shall be commenced and conducted by or against the president and secretary of the said Kaskaskia River Navigation company, and all necessary expenses or costs incurred in prosecuting or defending any suit or action shall be paid by the above counties, in proportion to their representation in said company.

Improvement of Big Muddy.

§ 13. *Be it further enacted*, That William Worthen, Benj. Boone, John Logan, sr., and Ira Byers, of Jackson; Robt. Marrion, G. W. Binkley, James R. Odam and Henry W. Perry, of Williamson county; Samuel R. Casey, Benjamin Pope, Wm. R. Browning, and Lemuel R. Harrison, of Franklin county, who shall meet at Marion, in Williamson county, for the purpose of organizing under the provisions of this act, be associated together for the improvement of the navigation of the Big Muddy river, and draining the swamp and overflowed lands contiguous thereto, in the same manner, with the same rights, powers and duties in regard to the swamp and overflowed lands lying in the counties of Jackson, Williamson and Franklin, as are conferred in the preceding sections upon the persons associated together for the improvement of the Kaskaskia river and draining the contiguous lands, and all the provisions of said sections shall apply to the association contemplated in this section, in reference to the said lands lying in the said counties mentioned in this section.

Powers.

Limitation of amount of certificates.

§ 14. The drafts or certificates mentioned in this act shall not exceed the sum of two thousand dollars for each of the aforesaid rivers; and the governor of the state shall have the power, and it shall be his duty, whenever he shall be satisfied that the proceeds of said lands are or are about to be wasted and misapplied, to cause a notice to be served upon the president and secretary of said companies, respectively, when all proceedings shall cease, and no further expense shall be incurred until authorized by the general assembly; and the said companies shall furnish the auditor with a detailed statement of their expenditures annually.

APPROVED Feb. 15, 1851.

AN ACT to authorize William Dickson, and others, to build a bridge across Rock river, at Camden. In force February 15, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That* William Dickson, and his associates and assigns, be and the same are hereby authorized to build a toll-bridge across Rock river, in Rock Island county, from Camden, on the south side of said river, at some point below the present dam, to Van Roof's Island, and from Van Roof's Island to the north bank of said river, near the present bridge: *Provided*, that said bridge shall be constructed across the main channel of said river at as great an elevation above the bed of the river as the present existing bridge: *And provided, further*, that said bridge shall be constructed with a draw at least forty feet in width, so as to admit the free passage of steamboats and other craft navigating said river; and if at any time hereafter the navigation of said Rock river shall be improved by slack-water or otherwise, said bridge shall be so changed in its construction as not to interfere with such improved navigation.

Authority to build bridge.

§ 2. The said William Dickson, and his associates, heirs and assigns, shall build said bridge of good materials, and in a substantial manner, so as to admit the safe passage of persons, waggons, teams, cattle, &c., and shall commence the building of the same within six months, and have the same completed within three years from the passage of this act.

Mode of construction.

§ 3. At each end of said bridge the said Dickson, and his associates, heirs and assigns, are hereby authorized to place a toll-gate, where tolls may be asked, demanded and received by said Dickson, and his heirs and assigns, at the following rates, to wit: for each of head of hogs or sheep crossing said bridge, one cent; for each head of cattle, three cents; for each one horse waggon or carriage, fifteen cents; for each two horse waggon drawn by horses or oxen, twenty-five cents; for each three horse waggon drawn by horses or oxen, thirty cents; for each four horse waggon drawn by four animals, thirty-five cents; for each waggon drawn by six horses or oxen, forty cents; for each led horse, mule or ass, four cents; for one horse and rider, ten cents; and every foot passenger free of charge. And all persons living on Van Roof's Island, or going to or returning from said island, shall be permitted to go and return from Camden to said island free of charge, after said bridge is completed.

Toll-gates.

Tolls.

§ 4. The said William Dickson and his associates, and their heirs and assigns, shall cause to be kept up, in some conspicuous places near the two extremes of said bridge, lists of the rates of toll herein enumerated, and if they, or any person acting under them, or by their authority, shall

List of rates of toll.

demand and receive more toll than is allowed by this act, or shall unreasonably hinder or detain any person wishing to cross said bridge, they shall, on conviction, for every such offence, forfeit and pay the sum of five dollars, to be recovered by any person suing for the same by action of debt, before any justice of the peace of the county in which such bridge shall be erected.

Penalty.

§ 5. If any person shall wilfully do or cause to be done any injury to said bridge, the person or persons so offending shall forfeit and pay to the said William Dickson and associates, and their heirs and assigns, double the amount of such injury or damage, to be recovered before any court having jurisdiction of the same.

Bridge to be kept in repair.

§ 6. The said William Dickson and his associates, and their heirs and assigns, shall at all times, after the completion thereof, keep said bridge in good repair, and allow a speedy passage to all persons and their property over it, upon the reception of the tolls allowed as herein provided; and if at any time the said bridge shall be impassable for the space of one year, unless the same shall be burned or destroyed by floods, the privilege herein granted shall be considered as null and void.

Ferry.

§ 7. Until said bridge shall be fully completed and ready for use, the said William Dickson and his associates, their heirs and assigns, shall be permitted to establish a ferry across said river at or near the place designated herein for the building said bridge, and shall be permitted to charge for ferrying across said river the same rates of toll hereinbefore expressed for passing over said bridge when the same shall be completed.

Right of way.

§ 8. If it shall be necessary in constructing said bridge, or in connecting the two ends which are proposed to rest on Van Roof's Island, or in making roads to lead to the same, to take any real estate belonging to others, or if any damage shall necessarily be done to the real estate of any person in constructing said bridge, such damage may be claimed and assessed and collected in the same manner as is provided for the assessment and collection of damages under the general road laws of this state.

Damages.

Association.

§ 9. If at any time before the building of said bridge the said William Dickson shall be desirous of associating any person or persons with him for the purposes expressed in this act, it shall be lawful for him and his said associates to form themselves into a joint stock company, by the name and style of the "Camden Bridge company," with a capital not exceeding thirty thousand dollars, to appoint officers to conduct the affairs of the same, to issue stock certificates for the respective amounts each individual may be entitled to, to divide the stock into shares of one hundred dollars each, and to pass all necessary by-laws for transferring said stock

and regulating the operations of said joint stock company in prosecuting and completing the objects herein expressed, and in the above name to sue and be sued, answer, prosecute and defend, in all courts of justice within this state of competent jurisdiction.

§ 10. And the said William Dickson and his associates, Exclusive right. and their heirs and assigns, shall have the exclusive privilege of bridging or ferrying said Rock river for the distance of one mile above and one mile below the north and south termination of said bridge, for the space of time that the privileges and powers herein contained are granted by this act.

§ 11. All acts heretofore passed in relation to ferries Acts repealed. and bridges at the point named in the foregoing sections, on the said Rock river, are hereby repealed.

§ 12. If the aforesaid William Dickson shall refuse to Refusal of Wm. Dickson. avail himself of the privileges and powers herein conferred by this act, by declining the association herein provided for, the said refusal shall not in any manner work a forfeiture, or by any reason impair the rights of the aforesaid Dickson to take, enjoy and act upon the rights and privileges herein granted, to the fullest extent; but in the event of such refusal by the said Dickson, the party choosing to do so may as fully enjoy and execute the provisions of this act as if no such refusal had taken place.

§ 13. This act to take effect from and after its pas- Limitation. sage, and be in force for the space of thirty years.

APPROVED February 15, 1851.

AN ACT to incorporate the Central Military Tract Railroad Company.

In force Feb. 15, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That William McMurry, C. S. Colton, Jas. Bunce, W. Selden Gale, H. Corporation. H. May, G. C. Lanphere, William A. Wood, Alfred Brown, Alva Wheeler, Peter Grouse, Amos Ward, Patrick Dunn, Daniel Meeks, Silas Willard, A. C. Wiley, and their associates and successors, be and they are hereby created a body corporate, with perpetual succession, under the name and style of the "Central Military Tract Railroad com- Style. pany," for the purpose of constructing, holding and using the railroad hereinafter mentioned.

§ 2. The said corporation are hereby authorized and Objects. empowered to construct, establish, hold and use a railroad commencing at Galesburg, in the county of Knox, and running from thence, in a north-easterly direction, on the most

direct and eligible route to, and to connect with the Rock Island and La Salle railroad, at such point in the county of Henry or Bureau as the said company hereby incorporated may designate.

Powers.

§ 3. The said company is hereby created and incorporated for the purpose of organizing under an act entitled "An act to provide for a general system of railroad incorporations," in force November 5th, 1849, and in all things shall be governed by the provisions thereof, and shall be entitled to have and exercise the powers and privileges and be subject to the liabilities therein enumerated: *Provided*, that the foregoing corporation may attach themselves to and form a part of the Northern Cross Railroad company, in such manner or on such terms as said companies shall agree.

Proviso.

Right to borrow money.

§ 4. The said company is hereby authorized and empowered to borrow money for the construction of said road, and for the purchase of the rolling stock, fixtures, &c., and to pledge the road and the property of said company for the payment of the said moneys so borrowed.

§ 5. This act to take effect from and after its passage.
APPROVED February 15, 1851.

In force February 16, 1851. AN ACT to amend an act entitled "An act to incorporate the St. Clair County Turnpike Company."

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, The Saint Clair County Turnpike company may and they are hereby authorized and empowered to acquire, by purchase, and hold, or again alienate, any quantity of land at each of their toll-gates, not to exceed ten acres.

Power to acquire and alienate land.

Survey legalized.

§ 2. The survey of the said road heretofore made by the engineer of said company, and now deposited in the recorder's office of Saint Clair county, shall be recorded therein, after which the said survey shall be legalized as the line of said turnpike road; and said company are hereby authorized to erect a toll-gate upon said road, at any point more than one mile west of High street, in the city of Belleville, any thing in the said act to the contrary notwithstanding.

Toll-gate.

Part of section repealed.

§ 3. That so much of the 14th section of said act as requires the county of St. Clair to keep in repair any portion of said road, be and the same is hereby repealed; and the said company are authorized to receive as toll, upon a man and horse traveling the entire length of said road, ten

cents, and for any shorter distance, in proportion: *Provided*, that all persons traveling upon said road shall inform the collector at the toll-gates, when required, of the distance upon said road by them traveled or to be traveled; and any person or persons driving stock on said road shall give to the collector at the toll-gates through which they may pass the true number of heads of stock by them driven; and any person who shall falsely state the distance, as above, or give a false statement of the number of stock by them driven, as above, shall forfeit and pay to said company five dollars for every such offence, recoverable by action of debt, in the name of said corporation, before any justice of the peace in St. Clair county.

§ 4. This act shall be in force from and after its passage.

APPROVED February 15, 1851.

AN ACT to change the name of Henry Sherman to Henry Schwaka.

In force February 15, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the name of Henry Sherman, of the county of Clinton, be and the same is hereby changed, for all purposes whatsoever, to that of Henry Schwaka. Change.

§ 2. This act to be in force from and after its passage.

APPROVED Feb. 15, 1851.

AN ACT to construct a railroad from Jacksonville, in Morgan county, to Alton, in Madison county. In force February 15, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That Philip Coffman, David A. Smith, David M. Woodson, Alfred W. Cavarly, Alexander B. Morean, William B. Warren, A. C. Dickson, Samuel M. Prosser, W. S. Hurst, Murray McConnel, James Dunlap, Thomas Carlin and Edward Keating, and their associates, successors and assigns, are hereby created a body corporate and politic, under the name and style of the "Jacksonville and Carrollton Railroad company," and by that name be and they are hereby made capable in law and in equity to sue and be sued, plead and be impleaded, defend and be defended in any court of law and equity in this state, or in any other place; to make, have and use a common seal, and the same to renew and al-

- ter pleasure, and shall be and are hereby vested with all the powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act, as hereinafter set forth; and the said company are hereby authorized and empowered to locate and construct and finally complete a railroad from the town of Jacksonville, in Morgan county, by the way of Manchester, in Scott county, Whitehall and Carrollton, in Greene county, passing through Jerseyville, Jersey county, to Alton, in Madison county; and for this purpose, said company are authorized, upon the most eligible and proper route, to lay out their said railroad wide enough for a single or double track, through the whole length, and may enter upon and take a strip of land not exceeding one hundred feet in width; and for the purpose of cutting embankments, stone and gravel, may take as much more land as may be necessary for the proper construction of and security of said railroad: *Provided*, that nothing in this act shall be so construed as to prevent the corporation created by this act from uniting their road with the Alton and Sangamon railroad, at or near Brighton, in Macoupin county, upon such terms as may be agreed on between said companies; and if an arrangement be entered into by and between said companies, for the company hereby created to run upon and use the Alton and Sangamon railroad, from and near Brighton, the said company shall not be required to construct their road to Alton:
- Further proviso.* *And provided, further*, that said company shall not be fully organized and be capable of constructing their said railroad, until one thousand dollars per mile of the stock of said company shall, in good faith, be subscribed, and ten per cent. thereof be paid, agreeable to the provisions of the act entitled "An act to provide for a general system of railroad incorporations," passed November 5th, 1849.
- Capital stock.* § 2. The capital stock of said company shall consist of five hundred thousand dollars, and may be increased to one million of dollars, to be divided into shares of one hundred dollars each. The immediate government and direction of said company shall be vested in five directors, who shall be chosen by the stockholders of said company, in the manner hereinafter provided, who shall hold their office for one year after their election and until others shall be duly elected and qualified to take their places as directors; and the said directors, a majority of whom shall form a quorum for the transaction of business, shall elect one of their number to be the president of the company; that said board of directors shall have power to appoint all necessary clerks, secretary and other officers necessary in the transaction of the business of said corporation.
- Directors.*
- Quorum.*
- Power of directors.*
- Surveys.* § 3. The said corporation is hereby authorized, by their agents, surveyors and engineers, to cause such examination

and surveys to be made of the ground and country between the points herein named as shall be necessary to determine the most advantageous route for the proper line or course whereon to construct their said railroad; and it shall be lawful for said company to enter upon and take possession of and use all such lands and real estate as may be necessary for the construction and maintenance of their said railroad: *Provided*, that all lands or real estate entered upon and taken possession of and used by said corporation, for the purposes and accommodation of said railroad, or upon which the site for said railroad shall have been located or determined by the said corporation, shall be paid for by said company, in damages, if any be sustained by the owner or owners thereof by the use of the same for the purposes of the said railroad; and all lands entered upon and taken for the use of said corporation, which are not donated to said company, shall be obtained and paid for in the manner provided for taking lands for the construction of public roads, canals and other public works, as prescribed in the act concerning right of way, approved March 3, 1845.

Right of way.

Proviso.

Damages.

§ 4. If any person shall wilfully, maliciously or wantonly and contrary to law obstruct the passage of any car on said railroad, or any part thereof, or any thing belonging thereto, or shall damage, break or destroy any part of the said railroad, or implements or buildings, he, she, or they, or any person assisting, shall forfeit and pay to said company, for every such offence, treble the amount of damages that shall be proved before competent court has been sustained, and be sued for in the name and behalf of said company; and such offender or offenders shall be deemed guilty of a misdemeanor, and shall be liable to indictment, in the same manner as other indictments are found, in any county or counties where such offence shall have been committed; and, upon conviction, every such offender shall be liable to a fine, not exceeding five thousand dollars, for the use of the county where such indictment may be found.

Penalty.

§ 5. The time of holding the annual meeting of said company, for the election of directors, shall be fixed and determined by the by-laws of said company; and at all meetings each stockholder shall be entitled to a vote in person, or by lawful proxy, one vote for each share of stock he or she or they may hold, *bona fide*, in said company.

Election of directors.

§ 6. The persons named in the first section of this act are hereby appointed commissioners, who, or a majority of whom, are hereby authorized to open subscription books for said stock, at such places as they may deem proper. The said commissioners shall require each subscriber to pay five dollars on each share subscribed, at the time of subscribing; and whenever one hundred thousand dollars shall be subscribed, the said commissioners shall call a meeting of the

Commissioners.

Subscriptions.

stockholders, by giving thirty days' notice, in some newspaper printed in the county of Morgan; and at such meeting it shall be lawful to elect the directors of said company; and when the directors of said company are chosen the said commissioners shall deliver said subscription books, with all sums of money received by them as commissioners, to said directors. No person shall be a director in said company unless he shall own at least five shares of the capital stock.

Right of way
and real estate.

§ 7. That the right of way and the real estate purchased for the right of way by said company, whether by mutual agreement or otherwise, or which shall become the property of the company by operation of law, as in this act provided, shall, upon the payment of the amount of money belonging to the owner or owners of said lands, as a compensation for the same, become the property of said company in fee simple.

Rates of toll.

§ 8. The said corporation may take and transport upon said railroad any person or persons, merchandise, or other property, by the force and power of steam or animals, or any combination of them, and may fix, establish, take and receive such rates of toll, for all passengers and property transported upon the same, as the directors shall from time to time establish; and the directors are hereby authorized and empowered to make all necessary rules, by-laws, regulations and ordinances that they may deem necessary and expedient to accomplish the designs and purposes, and to carry into effect the provisions of this act, and for the transfer and assignment of its stock, which is hereby declared personal property and transferable in such manner as shall be provided for by the by-laws and ordinances of said corporation.

By-laws.

Additional
stock.

§ 9. The directors of said company, after the same is organized, shall have power to open books, in the manner prescribed in the sixth section of this act, and to fill up the additional five hundred thousand dollars of stock, or any part thereof, at such times as they may deem it for the interest of said company; and all the instalments required to be paid on the stock originally to be taken, and what may be taken to increase said capital shall be paid at such times and in such sums as said directors may prescribe.

Vacancies.

§ 10. In case of the death, resignation or removal of the president, vice president or any director, at any time between the annual elections, such vacancy may be filled for the remainder of the year, whenever they may happen; by the board of directors; and in case of absence of the president and vice president, the board of directors shall have power to appoint a president *pro tempore*, who shall have and exercise such powers and functions as the by-laws of the said corporation may provide. In case it should at any time happen that an election shall not be held on

any day on which, in pursuance of this act, it ought to be held, the said corporation shall not for that cause be deemed dissolved, but such election shall be held at any other time directed by the by-laws of said corporation.

§ 11. That when the lands of any *feme covert*, persons under age, *non compos mentis*, or out of this state, shall be taken in the construction of said railroad, as is provided by this act, the said corporation shall pay the amount that shall be awarded as due to the said last mentioned owners, respectively, whenever the same shall be lawfully demanded. That to ascertain the amount to be paid to the persons named in this section for lands taken for the use of said corporation, it shall be the duty of the judge of the first judicial circuit; upon notices given to him by the said corporation, to appoint three commissioners, to be persons not interested in the matter, to determine the damages which the owner or owners of the land or real estate so entered upon by the said corporation, has or have sustained by the occupation of the same; and it shall be the duty of said commissioners, or a majority of them, to deliver to said corporation a written statement of the awards they shall make, with a description of the land or real estate appraised, to be recorded by the said corporation in the clerk's office in the county in which the land or real estate so appraised shall be, and then the said corporation shall be deemed to be seized and possessed of the fee simple of all such lands or real estate as shall have been approved by the said commissioners.

Damages to infants, &c., how determined.

§ 12. That whenever it shall be necessary for the construction of said railroad to intersect or cross any water course or any road or highway lying between the points aforesaid, it shall be lawful for the corporation to construct their railroad across or upon the same: *Provided*, that the corporation shall restore the water course, or road, or highway, thus intersected, to its former state, or in a sufficient manner not to have impaired its usefulness.

Water courses and highways.

Proviso.

§ 13. That the capital stock of said company may be increased from one million dollars to one million five hundred thousand dollars, from time to time, by new subscriptions, if such increase shall be found necessary to fulfil the intention of this act, upon the directors for the time being giving the notice as herein required, previous to the opening the subscription books for the original stock herein; and that all stock of said corporation shall be deemed personal property and transferable in such manner as the said corporation shall, by its by-laws, prescribe.

Increase of capital stock.

§ 14. That it shall be lawful for the directors to require payment of the sums subscribed to the capital stock, at such times, and in such proportions, and on such conditions, as they shall deem fit, under the penalty of the forfeiture of

Payment of stock.

all previous payments thereon, and shall give notice of the payments thus required, and of the place and time when and where the same are to be paid, at least ninety days previous to the payment of the same, in some public newspaper of this state, published in some one of the places where the notice for the opening the books for subscription to the capital stock may have been published.

Width of road. § 15. The width of said railroad is to be determined by the said corporation, within the limits prescribed by the first section of this act.

Plank road. § 16. The said corporation may, if deemed advisable, locate, construct and maintain a plank road, and not a railroad; and such plank road shall be substituted for the railroad, or a plank road may be substituted between any of the points named herein. The said corporation may, for the purposes of locating, constructing and maintaining said road, borrow money, at an interest not exceeding seven per cent. per annum, and pledge the road, and all or every part of its property and effects, for the repayment thereof, and may loan any surplus funds at such rate of interest as is now allowed upon money loaned. If a railroad or plank road shall be constructed between any of the points herein named, the corporation shall continue to exist, and have, use, manage and control the same, as though the whole length of road had been completed.

APPROVED Feb. 15, 1851.

In force February 15, 1851.

AN ACT to incorporate the Embarrass River Navigation Company.

Corporation. SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That Thomas A. Marshall, of Coles county; W. H. Starkweather, of Cumberland county; Joseph Picquet, Joseph Shiffershein, Mortimer O'Keane, Frank Fuller, Hiram Wade, Christian Sherick and Van R. Curtis, of the county of Jasper; Alexander Stuart, of the county of Crawford; Jacob May, and Samuel Shultz, of the county of Richland; Peter Smith, Ebenezer Z. Ryan and Joseph G. Bowman, of the county of Lawrence, and their successors in office, shall be and are hereby created a body corporate, by the name and style of the "Embarrass Navigation company."*

Style.
General powers. § 2. Said corporation shall have perpetual succession, may make and use a common seal, may make by-laws for the regulation of its officers and business, make contracts, sue and be sued, buy and sell, hold and convey all real estate necessary and proper to carry out the objects of this charter, or in securing and collecting the debts of said cor-

poration, and shall have all the other powers incident to corporations at common law.

§ 3. The said board of directors hereby appointed shall meet in the town of St. Marie, in the county of Jasper, on the first Monday in the month of May next after the passage of this act, and after severally taking an oath faithfully to discharge the duties of their office, proceed to organize by the election of one of their number as president, to preside at the meetings of the board, and shall also appoint such other officers as may be deemed necessary. Meeting of directors.
Officers.

§ 4. The board of directors shall cause books to be opened for the subscription of stock, at such times and places as shall be deemed expedient. And so soon as four hundred shares of stock of fifty dollars each shall be subscribed, and two dollars paid, in cash, on each share, the board of directors shall order an election of directors by said stockholders, giving twenty days' notice of the time and place of such election, at which election thirteen persons shall be elected in lieu of those appointed by this act. And a similar election shall be held on the first Monday in the month of June annually thereafter, and the directors so elected shall organize as prescribed in section three of this act. Subscriptions.
Election of directors.

§ 5. Any vacancy which may occur in the board of directors, either by death, resignation or otherwise, may be filled by appointment by the board until the next election, and a majority shall constitute a quorum to transact business, and in all elections for directors each share of stock shall constitute a vote, which may be given by the holder of such stock, in person or by proxy. Vacancies.
Quorum.

§ 6. The directors shall make all necessary by-laws for the regulations of elections and the general management of its affairs; to determine the times, manner and proportions in which the subscribers shall pay the money due on their stock; to draw orders on the treasury for money, and otherwise direct the business of the company: *Provided*, that all orders shall be signed by the president, or in his absence by a majority of the quorum present. By-laws.
Provide.

§ 7. The directors shall procure certificates of stock, to be signed by the president and countersigned by the secretary, and shall deliver one to each stockholder. The stock may be transferred, by consent of the board of directors, entered on their minutes; by assignment, to be entered on the books of the company; by the owner of the stock assigned, or his attorney duly appointed, and accompanied by a surrender of the certificates, on which other certificates shall be issued accordingly. Certificates of stock.

§ 8. In case of the assignment of any stock before the same shall have been paid out, according to the requisitions of the directors, the assignee shall become and be liable for all sums due on the stock assigned, and as such may be Assignment.

Liability of assignee. sued on the original subscription as if he had originally subscribed such assigned stock.

Neglect of payment. § 9. After thirty days' notice in the newspapers, published in any of the counties mentioned, of the time and place of the delivery of certificates of stock as aforesaid, and of the payment of said instalment of two dollars per share, or of any other instalment, if any stockholder shall neglect to pay the instalment required said company shall forthwith sue said stockholder for said instalment required, in a court of competent jurisdiction, and in such suit shall recover the same, with damages at the rate of twenty per cent., with interest until paid; and in all suits instituted by said company the regular organization of the company shall be presumed. All laws respecting it shall be taken to be public laws, as well as this act of incorporation, in all courts of justice, and its officers shall be competent witnesses, and any judgment rendered in its favor against its stockholders, or its officers, or their securities, shall be rendered without any relief or benefit from the replevin, stay or appraisement laws of the state in which judgment may be rendered. And for said instalments, as well as all other indebtedness from any stockholders to said company, a lien shall exist upon said stock owned by said stockholders, which may at all times be subject to sale on execution, in like manner as goods and chattels are sold on execution to extinguish said indebtedness, and the certificate of the secretary shall be sufficient evidence in all cases and in all courts of the regular adoption and existence of the by-laws of the company.

Witnesses.

Right of way, &c. § 10. It shall and may be lawful for said company, by their agents and servants, to enter on the said river Embarrass, and on the land of either side, to hold and use the same, so far as necessary for the objects herein provided for, and to use the timber, rocks, stone, gravel or earth which may be found thereon, in the construction of their works; and to form, erect, make, or set up any dams, locks or other device whatever by said company deemed most proper to improve the navigation of said river Embarrass, most to subserve its commerce, and especially the transportation of the agricultural products of the country to market, whether the same be by slack-water or otherwise, from the mouth up as far as the same can be beneficially improved. The locks to be of dimensions of not less than eighty feet in length and twenty feet in width in the chamber: *Provided, also*, that said company shall pay to the owners of lands occupied by them as aforesaid, or from which materials may be taken as aforesaid, the value of the land so occupied, or of the materials so taken or the damage done; and provided that the said value shall be ascertained, or said damages assessed, and compensation made, in manner

Locks.

following: Either party may file a petition, setting forth the facts, in the circuit court of the county having jurisdiction of the place or property, and praying the appointment of commissioners as hereinafter mentioned. A copy of this petition shall be served ten days, at least, previous to the term of the court at which application may be made on the opposite party, who may file a counter statement. Thereupon the court shall appoint five disinterested freeholders, who shall be sworn as arbitrators are sworn, and whose duty it shall be to examine the premises, to hear testimony under oath, and to assess the value or damages; any three of said freeholders being competent to act in the premises. Reasonable notice of the time and place of meeting shall be given to all the freeholders so appointed, and to the opposite party, by the applicant. In assessing the value of any land taken or damages the freeholders shall estimate its full value for ordinary uses, and without any regard to its value as increased by the works of said company, and in all their assessments, except for timber, said freeholders shall take into consideration all the advantages derived to the owner from the improvement of the said company. The said freeholders shall report their award in writing, under their hands, to the said circuit courts, and the same shall then have the force of a verdict. On good cause shown a new trial may be granted by the court, and if granted, such trial shall be had as appeals from justices of the peace are tried in said court, and on such award or on such new trial judgment shall be entered, and execution shall issue as in other cases.

§ 11. The said company shall have the privilege of and be entitled to the use of the water power from the said river, and may sell in fee, lease or rent for one or more more years, the said water power, on such terms as shall be most advantageous to the corporation: *Provided*, the use of the said water power shall not impede the navigation of said river, and that the money arising from said water power shall be applied to the benefit of the company.

§ 12. If at any dam, lock or other point on the said river, there shall be surplus water applicable to hydraulic purposes, and when the interests of the company and public convenience shall require the application of such water to machinery, it shall be the duty of the company to propose to purchase from the owner or owners such parcels of the adjoining land as may be necessary for the use of such water power, and to submit to the determination of the quantity of land necessary, and the price to be paid therefor, to arbitration, according to the law respecting arbitrations in force at the place in which said land is situated. In case the owners shall refuse to appoint arbitrators, the company may, by petition, apply to any court or justice of

Legal proceed-
ings.

New trial.

Water power.

Proviso.

Surplus water.

Arbitration.

Legal proceedings. the peace of the proper county, who may appoint an arbitrator for such owner, who shall act accordingly, and such arbitrators shall estimate the full value of the said land for ordinary uses, independent of any additional value given to it by the works of the company, or by reason of its convenience to the use of such water power, and also without affecting any benefits which the owner may have acquired to other property by reason of the said works. In case either party shall refuse compliance with the award of the arbitrators, rendered according to law, the same proceedings shall be had in the circuit court of the county in which said land is situate as in other cases of awards; and on the rendition of the final judgment or decree in such case the said court shall enforce the payment of the price of the land by the company to the owner, and the conveyance of the land free from all incumbrances by the owner or to the company, as on bill in chancery, according to the practice of the said court.

Order of passing locks. § 13. For the regulation and control of boats in passing the locks or other works of said company, priority of passage shall always be given and secured to such boat or vessel as shall first reach such point of passage, unless by consent of parties interested: *Provided, always,* no boat or vessel subsequently arriving at such point shall be delayed or prejudiced on account of the unreadiness of any other boat or boats having prior right to exercise the same.

Restrictions. § 14. No person shall attempt to pass any boat or vessel into any lock or out of any lock, the property of said company, until the main gates at the head or foot of said lock, as the case may be, between which gates such boat or vessel may be about to pass, shall first be entirely opened into their respective recesses, nor until all paddle and culvert gates of such lock shall be closed.

Lock gates. § 15. Neither of the main gates at the head or at the foot of any lock shall be closed or allowed to close of its own accord, while either of the paddle or culvert gates at the opposite end of said lock shall remain open.

When to be left open. § 16. When any boat or vessel shall pass out of any lock, the main gates of such lock, through or between which such vessel have passed out shall be left entirely open and completely within their respective recesses, and all the paddle and culvert gates of such lock shall be left closed:

Proviso. *Provided, however,* that where the acting commissioner, engineer or superintendent having charge of that part of the works where such lock is situated shall direct any paddle, culvert or any other gate to be left open, for the purpose of passing water through the same, such direction shall be complied with and obeyed by all lock keepers, masters of boats and vessels, boatmen, and all other persons concerned in the passage of said lock.

§ 17. In no case shall the stern or bow of any boat or vessel approaching, or being about to enter, or having entered any lock, be permitted to run against or strike the head walls or either of the gates of such locks wilfully or negligently. Contact of boats with walls of locks.

§ 18. No lock, culvert, gate or paddle-gate shall be closed, nor be permitted by any person using the lock to close itself with such violence as to injure or be liable to injure itself. Violent closing of locks.

§ 19. Every master or owner of any boat or vessel, or any other person having charge of such boat or vessel, who shall violate any of the provisions of this act, or who shall permit any boatman or other person assisting in the navigation or management of such boat or vessel to violate the same, in any particular whatever, shall, for every such violation, forfeit and pay a sum not less than five nor more than twenty-five dollars, recoverable by action of debt, in the name of said company, before any court having competent jurisdiction. Penalty.

§ 20. Every penalty and forfeiture imposed by this act, for which any master, owner, boatman or other person may be liable, and which is herein made recoverable by action of debt in the name of the said company, shall be chargeable on such boat or vessel; and when any suit shall be instituted for any such forfeiture the officer issuing such process may cause such boat or vessel, together with the tackling and furniture belonging thereto, to be attached and detained until such suit shall be determined. Penalties, how collected.

§ 21. Any person who shall wilfully throw into any of the locks or works of said company any logs, timber or other things, which may obstruct the navigation, shall, on conviction thereof, forfeit the sum of ten dollars, recoverable by action of debt, in the name of the said company. Penalty for obstructing locks.

§ 22. If any person, in navigating or assisting in the managing of any boat or vessel, or any of the works of the said company, shall, either through design or negligence in the navigation thereof, injure any lock, gate, water-gate, guard-gate or other mechanical structure pertaining to said works, such person shall forfeit and pay, on conviction thereof, any sum not less than five nor more than twenty dollars, and moreover be liable for all damages caused by such mismanagement or negligence, recoverable by action of debt, in the name of the said company. Penalty for injuring locks.

§ 23. If any vessel shall be subjected to any unnecessary delay in passing the locks of said company, by reason of the lock not being raised or opened, for the space of thirty minutes, the company shall pay to the party hindered five dollars for each thirty minutes' detention, to be recovered by action of debt, in the name of the master or owner of the boat detained; and if the said company shall Penalty for delaying vessels.

neglect or refuse to keep in good repair or order any dam or lock of their own construction, or shall neglect to remove any obstacles which may occur therein, so that boats cannot safely navigate said river, when not obstructed by ice or other unavoidable cause, said company, for any such offence, shall pay the sum of fifty dollars to any person prosecuting therefor.

Directors to render accounts.

§ 24. The directors of said company shall cause full and fair accounts to be kept of all their receipts and expenditures, and shall annually submit the same to the stockholders at the annual meetings; and any three stockholders who shall have been such for one whole year previous, may at any time demand an inspection of the books of the company, and thereupon shall be allowed to inspect the same in the office of the company.

§ 25. The directors, at the annual meeting of the stockholders, shall exhibit a balance sheet of all the officers [affairs] of the company, to be verified by the oath of the secretary, and exhibiting a statement of all the receipts and expenditures, profits and losses, for the year preceding the 30th of April, inclusive, prior to such meeting; and at such meeting the said directors shall strike and publish a fair dividend of actual profits, if any, for the said previous year, which shall be paid on or before the first day of July next ensuing.

§ 26. The said company may at all times reserve a reasonable surplus fund, to meet all contingent expenses, accidents and repairs, and may invest the same as to the directors shall seem expedient. The said company may, by loan, at such rates of interest, on such securities, and on such terms as may be convenient, borrow any sum or sums of money as may be necessary to the completion or repair of its works; and the obligations of the company, issued for such purpose, shall be a valid lien, in the order of their issue, on all the stock and effects of said company, which may be enforced accordingly by any court of competent jurisdiction; but nothing in this section, nor in this act contained, shall be deemed or taken to authorize the said company to exercise any banking powers whatever.

Tolls.

Proviso.

Further proviso.

§ 27. The directors of said company shall have full power to fix the the amount of tolls and water rents: *Provided, however*, that the legislature may at any time provide for the appointment of a board of commissioners to regulate said tolls on the works of the company: *Provided, also*, that no regulation shall be made whereby the tolls fixed by the directors of the company shall be reduced below the customary rates of tolls on similar works in other states.

§ 28. The said company may from time to time increase its capital stock to an amount not exceeding in the whole two hundred thousand dollars, as the same may become ne-

cessary for the more complete and extensive navigation of the Embarrass river.

§ 29. This act shall be deemed and taken to be a public act in all courts of justice in this state, and shall be in force from and after its passage.

APPROVED Feb. 15, 1851.

AN ACT to establish the Galena Insurance Company.

In force Feb. 15,
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That there shall be and hereby is established in the city of Galena an insurance company, to be known by the name and style of the "Galena Insurance company," with a capital stock of one hundred thousand dollars, divided into shares of fifty dollars each, which may be increased at the will of the directors to any amount not exceeding five hundred thousand dollars, to be subscribed and paid for in the manner hereinafter specified.

Company formed.

Style.

Capital stock.

§ 2. Wm. Hempstead, Fred. Stahl, H. Newhall, Jos. P. Hoge, N. Dowling, Jas. Carter and Henry Corwith, or any three of them, be and they are hereby authorized to open books of subscription in said city for the capital stock of said company, at such time and place as they shall think proper, after giving twenty days' notice of the same in either of the public newspapers in said city; said books to be kept open for the space of five days, and until at least one hundred shares shall be subscribed, when the same may be closed and said subscribers may, after six days' notice being given by said commissioners, in manner aforesaid, meet, and, under the inspection of said commissioners, choose their directors, who may at any time after ten days' public notice given, cause the subscription books to be re-opened and continue open until the whole amount of said stock shall have been taken.

Commissioners.

Directors.

§ 3. The subscribers of said stock, their associates, successors and assigns, shall be and they are hereby declared a body politic and corporate, by the name and style of the "Galena Insurance company," and shall be capable in law of contracting and being contracted with, suing and being sued, pleading and being impleaded, answering and being answered unto, defend and being defended against, in all courts and places whatsoever, in all manner of actions, suits, complaints and causes.

Corporation.

General powers.

§ 4. The said corporation may have and use a common seal, which they may change, alter or break at pleasure,

Powers.

and may also make, establish and put in execution such by-laws, ordinances and regulations as shall in their opinion be necessary for the good government and management of the affairs of said corporation, and which are not repugnant to the laws and constitution of this state or of the United States.

Objects of corporation.

§ 5. The corporation hereby created shall have full power and authority to take all marine risks, of any and every kind, nature and description, and to make insurance upon inland navigation and transportation, and against losses by fire of buildings and all other property whatsoever, and to make all kinds of insurances upon lives, and all such other insurances as they may deem proper; and also to receive moneys on deposit, and to loan the same, and their surplus or unemployed capital or money, on personal, real or other security, at such rates of interest as may be done under the existing laws of this state; and to lend money upon respondentia and bottomry, to companies, corporations and individuals, upon such security as they shall think proper. They may also cause themselves to be insured or re-insured against all or any risks upon which they may have made insurance; and, also, upon all property of every kind, or any interest therein owned by said company, or held by them as security, and generally to do and perform all necessary matters and things relating to or connected with these objects, or either of them.

Payments of stock.

§ 6. The payment of the stock subscribed for shall be made by the subscribers, respectively, at the time and in the manner following, that is to say: at the time of subscribing there shall be paid on each share one dollar, and the balance due upon each share shall be subject to the call of the directors, under such penalties as the board of directors may appoint and order, and shall be secured to be paid on demand by approved notes, hypothecated stocks, mortgages on real estate, or other satisfactory security.

Directors.

§ 7. The stock and affairs of said company or corporation aforesaid shall be managed and conducted by seven directors, who shall be stockholders of said corporation.

Manner of election.

They shall, after the first year, be elected on the first Tuesday in June in each year, at such time and place in the city of Galena as the board of directors for the time being shall appoint, and shall hold their offices for one year and until others shall be chosen to supply their places, and no longer; ten days' public notice of said election shall be previously given, and the election shall be held under the inspection of three stockholders, to be previously appointed by the board of directors for that purpose, and shall be made by ballot, by plurality of the stock represented, allowing one vote for every share, and stockholders not personally present may vote by proxy, mailed in writing direct-

ly to the person representing them at such election. In case that it shall happen at any time that an election of directors should not be made on any day when pursuant to this act it ought to have been made, the said corporation shall not, for that cause, be deemed to be dissolved, but it shall and may be lawful, on any other day, to make and hold an election of directors, in such manner as shall be regulated by the by-laws and ordinances of said company.

§ 8. The directors of said company shall, as soon as President. may be after their election in each year, proceed to choose out of their body one person to be president, who shall preside until the next annual election thereafter; and in case of the death or resignation of the president or any director, Vacancy. the vacancy may be filled by the board of directors, and in case of the absence of the president the board of directors shall have power to appoint a president *pro tem.*, who shall have all the powers and perform all the duties of the president regularly chosen.

§ 9. The directors may, by the ordinances or by-laws By-laws. of said company, order what number of directors shall constitute a board or quorum, and be competent for the trans- Quorum. action of the business of the corporation, and they shall have power, subject to said by-laws, to appoint from their own body one or more persons to act and assist in the performance of the business of the company, with such salaries and allowances as they may think proper, and also to appoint a secretary and such clerks and other servants as they Secretary. may deem expedient; they shall have power to declare and make dividends of the profits arising from the business Dividends. of said corporation, but all contracts, certificates and other instruments in writing of said company shall be signed by the president and secretary thereof, or either of them, as may be provided by the by-laws of said company.

§ 10. The stock of said corporation shall be considered Stock to be personal property. personal property, and shall be assignable and transferable according to such rules and restrictions as the board of directors shall, from time to time, make and establish.

§ 11. The said corporation may purchase, hold, sell Real estate. and convey, at their pleasure, all such real estate as may be deemed necessary for the transaction of its business, not exceeding at any one time twenty thousand dollars, and to Limitation. take and hold any real estate mortgaged or pledged as security for the payment of any debt due or that may become due to it, and also to purchase on sale, in virtue of any judgment at law, or any decree of a court of equity, or otherwise; to take and receive any real estate or other property in payment or towards satisfaction of any debt previously due to said corporation, and to hold the same until they can conveniently and advantageously sell and convert the same into money or other property.

Deposit.

§ 12. That said corporation shall have full power and authority to deposit any portion of their unemployed capital, or other funds at any time in their possession, with any corporation, company or individual in any sections of the United States, and to use the same as they may think proper, in order to facilitate exchanges, and to do and perform all such acts and things as may be requisite in all such transactions and for the best interest of said corporation.

Expenses, how paid.

§ 13. The expenses incurred by the commissioners in executing duties required by this act shall be paid out of moneys received by them of the subscribers to the capital stock, and may be retained by them for such purposes, and the balance so received shall be paid over to the directors after they shall have been chosen.

Policies of insurance.

§ 14. All policies of insurance by them made shall be subscribed by the president, or in case of his death or absence, by such other person as may be authorized, and countersigned and sealed by the secretary of said company; and all losses arising under any policy so subscribed and sealed may be adjusted and settled by the board of directors, or such other person or persons as said board may appoint for such purpose.

Losses.

§ 15. In case of any loss or losses whereby the capital stock of said company may be lessened before all the instalments are paid in, each proprietor's or stockholder's estate shall be held accountable for the instalments that may remain unpaid on his share or shares at the time of such loss or losses taking place, and no subsequent dividend shall be made until the sum arising from the profits of the business or by advance of the stockholders, to make good said capital stock, shall have been added thereto.

Apportionment.

§ 16. If a greater number of shares shall be subscribed for than is contemplated in the second section of this act, the same shall be apportioned amongst the subscribers in such equitable manner as the said commissioners shall appoint: *Provided*, such subscriptions take place before the election of directors, and if after their election, then the same shall be appointed by said directors.

Proviso.

Place of business.

§ 17. The business of the company shall be carried on at such place in the city of Galena, or elsewhere by agency, as the directors shall direct, and at such agencies as they may establish.

Mutual insurance.

§ 18. This corporation may conduct its insurance business, in part or entirely, upon the principle of mutual insurance, if preferred by its stockholders or directors: *Provided, always*, that all risks are assessed at their cash value of hazards, and the premiums shall be paid in cash or its equivalent, when the policy is issued.

Proviso.

Construction of act.

§ 19. This act shall be and is hereby declared to be a public act, and the same shall be construed liberally, for the

beneficial purposes herein granted; and the corporation hereby created shall take effect and be in force from and after the passage thereof, and shall continue in force for the *Limitation.* term of thirty years, and no longer.

§ 20. Notwithstanding the expiration of the time for *Liquidation.* which the said corporation is created, it shall be lawful to use the corporate name, style and capacity for the final settlement and liquidation of the affairs and accounts of the said corporation in all cases, and for the sale and disposition of their estate, real or personal.

§ 21. This charter shall be void and of no effect unless *Commencement of operations.* the company shall commence operations, agreeably to the provisions thereof, within two years after the passage of this act.

§ 22. In effecting insurance on lives agreeably with the *Insurance on lives.* power conferred by this charter, it shall be the duty of the directors to have kept a separate account for this class of business, distinct from the other insurances, which shall not be affected by the loss or gains of their other insurance business, and it shall and may be lawful for the said directors to allow all persons so insuring such part of the net profits or earnings of this department of the company's business as may be deemed for the mutual interest of the assured and assurers.

APPROVED Feb. 15, 1851.

AN ACT to legalize the election of trustees to the Jonesboro society of the Methodist Episcopal Church, to legalize a conveyance to trustees, and for other purposes. *In force Feb. 15, 1851.*

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the election of Daniel Spence, Clement J. Jarnigan, Jefferson McKinney, William H. Mills and Meredith W. Spence, and their successors, as trustees of the Jonesboro society of the Methodist Episcopal Church, be and it is hereby declared legal and right, in all respects whatsoever, any other statute or enactment to the contrary notwithstanding. *Election legalized.*

§ 2. *Be it further enacted,* That Elias V. Winget, Enos A. Phillips, Robert Shannon, Harris M. Ridenhoner and Randolph V. Marshall be and they are hereby declared the duly elected trustees of the Jonesboro society of the Methodist Episcopal Church, and as such full faith and credit is due to all their official acts. *Election valid.*

§ 3. Any and all conveyances heretofore made to any or all of the aforesaid trustees, and their successors, more particularly of lot number 71, in Grammer's donation for *Conveyance valid.*

the town of Jonesboro, is and it is hereby declared to be legal in all respects whatsoever; and the property thereby conveyed is hereby duly vested in the last elected trustees and their successors forever, for the uses and purposes expressed in said conveyance.

§ 4. This act shall take effect from and after its passage.

APPROVED February 15, 1851.

In force Feb. 15, 1851. AN ACT to amend an act entitled an act to incorporate the town of Little Fort, in Lake county, approved Feb. twelfth, A. D. one thousand eight hundred and forty-nine.

Preamble.

Whereas in the second section of said act descriptive of the boundaries of said incorporation, by a clerical error said boundaries were described as being in congressional township forty-four north, of range twelve, east of the third principal meridian, when in fact it was intended that said boundaries should be described and designated in township numbered forty-five north, of range aforesaid; now therefore,

Boundaries corrected.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That so much of the second section of the aforesaid act as designates the boundaries of said incorporation in town forty-four north, of range aforesaid, be and the same is hereby corrected and amended, so as to read and import as originally intended—town forty-five north, of range twelve, east of the third principal meridian; and that the boundaries of said town (now called Waukegan) as described in said second section, be taken and deemed to be in town forty-five north, of range twelve, east of the third principal meridian.*

Compensation of assessor and collector.

§ 2. *Also be it further enacted, That the treasurer, assessor and collector of said town of Little Fort (now Waukegan) shall receive such compensation for their services as is provided for treasurers and assessors and collectors of the county and state revenue for similar services, by the township organization law, passed at the last session of this assembly, and approved February twelfth, A. D. one thousand eight hundred and forty-nine, and that all provisions of said act of incorporation conflicting with the provisions of this act be and the same are hereby repealed.*

Proceedings of board of trustees.

§ 3. *And be it further enacted, That all acts and proceedings of the president and board of trustees of said incorporation, heretofore had under the charter of said town, are hereby legalized, and shall be deemed and taken as ap-*

plicable to and binding upon the inhabitants of said town as bounded and described in this amendment to the original charter.

APPROVED Feb. 15, 1851.

AN ACT to incorporate the Paris Male and Female Seminary.

In force Feb. 15,
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Jonathan Mayo, Robert Steele, Henry W. Martins, Joseph Curtis, William Minnick, John Stockwell, Cornelius M. Lankford, Oliver Munsell and Robert Clarke, and their successors, be and they are hereby created a body politic and corporate, to be styled and known by the name of the "The Trustees of the Paris Male and Female Seminary," and by that style and name to remain and have perpetual succession. The said seminary shall be and remain at Paris, in the county of Edgar. The number of trustees shall not exceed nine, of whom a majority shall constitute a quorum to do business. Corporation.
Style.

§ 2. The objects of said corporation shall be the promotion of male and female education. Objects.

§ 3. The corporate powers hereby bestowed are such only as are essential or useful in the attainment of said object, and such as are usually conferred on similar bodies corporate, to wit: to have perpetual succession, to make contracts, to sue and be sued, plead and be impleaded, to grant and receive by its corporate name, and to do all other acts as natural persons may; to accept, acquire, purchase or sell property, real, personal or mixed, in all lawful ways; to use, employ, manage and dispose of all such property, and all money belonging to said corporation, in such manner as shall seem to such trustees best adapted to promote the object before mentioned; to have a common seal, and to alter or change the same; to make such by-laws for its regulation as are not inconsistent with the constitution and laws of the United States or of this state. Powers.

§ 4. The trustees of said corporation shall have authority, from time to time, to proscribe and regulate the course of studies to be pursued in said institution, to fix the rates of tuition and other expenses, to appoint instructors and such other officers and agents as may be necessary in managing the concerns of the institution, to define their duties, to fix their compensation, and to displace or remove them, to erect necessary buildings, to purchase books, chemical and philosophical apparatus, and other suitable Power of trustees.

means of instruction, to make rules for the general government of the affairs of the institution and for the regulation of the conduct of the students.

Patronage. § 5. This institution shall be under the patronage of the Illinois Annual Conference of the Methodist Episcopal Church; and it shall be lawful for said conference to appoint annually a board of visitors, who shall have power to sit with the board of trustees at its annual meetings, as *ex officio* members. But the profession of any particular religious faith shall not be required of those who become students.

Visitors.

Vacancies. § 6. In order that this corporation may have perpetual succession, the quarterly conference of the Paris circuit or station of the Illinois Annual Conference of the Methodist Episcopal Church, shall have power to nominate a suitable person or persons to fill any vacancy or vacancies that may occur by death, resignation or removal from office; and the board of trustees for the time being shall have power to accept or reject said nominees, and the said conference shall continue to nominate, and the board to accept or reject, until all such vacancies are filled.

Treasurer. § 7. It shall be the duty of the trustees to appoint one of their number a treasurer, who shall be required to give bond, with sufficient security, in such penal sum as the board may prescribe, conditioned for the performance of such duties as the by-laws may require of him.

Funds. § 8. The trustees shall faithfully apply all funds collected or hereafter to be collected for said seminary, according to their best judgment: *Provided*, that in case any donation, devise or bequest shall be made for particular purposes, accordant with the objects of said institution, and the trustees shall accept the same, every such donation, devise or bequest shall be expressly applied in conformity with the condition prescribed by the donor or devisor.

Proviso.

APPROVED Feb. 15, 1851.

In force Feb. 15, 1851. AN ACT supplementary to an act entitled "An act to incorporate the Kankakee and Iroquois Navigation and Manufacturing company," approved February fifteenth, one thousand eight hundred and forty-seven.

Extension of time. SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the time allowed to said Kankakee and Iroquois Navigation and Manufacturing company to complete their improvements of the Kankakee river, as far as the town of Wilmington, be

and the same is hereby extended to a period of eleven years from and after the passage of the act to which this act is supplementary.

APPROVED Feb. 15, 1851.

AN ACT to incorporate the Chicago City Hydraulic Company.

In force Feb. 15,
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That John B. Turner, Horatio G. Loomis and Alson S. Sherman be* Commissioners.
and they are hereby named and constituted as a board of water commissioners for the city of Chicago, who, and their successors in office, shall be a body politic and corporate, by the name and style of the "Board of Water Commissioners of the City of Chicago," and by that name shall have perpetual succession, with power to contract, sue and be sued, to purchase, hold and convey personal and real estate; to have a common seal, to alter and break the same at pleasure; and make by-laws and do all legal acts which may be necessary and proper to carry out the effect, intent and object of this act. Style. General powers.

§ 2. The said commissioners shall hold their offices respectively for the term of three, four and five years. Said commissioners shall, within sixty days after the passage of this act, decide by lot their respective terms, which decision shall be notified by a written statement to the common council of said city, which shall be entered of record on the books of the said common council, and on the first Tuesday of April, in the year of our Lord one thousand eight hundred and fifty-four, and annually thereafter, there shall be an election held by the qualified voters of said city, in the same manner that elections are held for the election of mayor, for the election of one or more commissioners to fill vacancies occasioned by the termination in any manner of the term of any commissioner under this act. All commissioners elected subsequent to the first election aforesaid, shall hold their office for the term of three years, and in case of the death or resignation of any of said commissioners the remaining commissioners shall nominate some citizen of said city, being a qualified voter, to fill such vacancy, and shall present such citizen to the common council of said city for confirmation, who, if confirmed by said common council, shall have full power to act as such commissioner, but if the said common council shall refuse to confirm such nomination, said commissioners shall nominate another, and so on until such confirmation shall be made; Term of office. Elections. Vacancies.

such person when so confirmed shall fill such vacancy until the next regular election of a commissioner to be held after such confirmation.

Loan of money. § 3. The said commissioners shall have power to loan, from time to time, for such time as they shall deem expedient, a sum of money not exceeding two hundred and fifty thousand dollars, upon the credit of said city of Chicago, and shall have authority to issue bonds, pledging the faith and credit of said city for the payment of the principal and interest of said bonds; which bonds shall issue under the seal of said board of commissioners, and shall be signed by them or a majority of them, and bearing interest not exceeding ten per centum per annum. And it shall be the duty of said commissioners to keep an accurate register of all bonds issued by them, showing the number, date and amount of each bond, and to whom the same was issued; and it shall also be their duty to furnish to the clerk of said city a copy of such register, as soon as the same is made, which shall be preserved by said clerk and copied into the records of said city.

Register of bonds.

Supplies of water. § 4. It shall be the duty of said commissioners to examine and consider all matters relative to supplying the city of Chicago with a sufficient quantity of pure and wholesome water, to be taken from Lake Michigan, for the use of the inhabitants.

Engineers, &c. § 5. The said commissioners shall have power, and it is made their duty, to employ engineers, surveyors, and such other persons as in their opinion may be necessary to enable them to perform their duties under this act.

Purchase of lots. § 6. Said commissioners shall have the power, and it is hereby made their duty, as soon as may be after the necessary funds shall have been procured as herein provided, to purchase such lot or lots of land, and to construct such buildings, machinery and fixtures as shall be deemed necessary or desirable to furnish a full supply of water for public and private use in said city.

Construction of buildings.

Reservoirs. § 7. Said commissioners shall have power to construct reservoirs, jets and public and private hydrants, and to lay pipes in and through all the alleys and streets of said city, and also across all rivers and streams, not interfering with the navigation of the same, and, with the consent of the common council of said city, to construct fountains in the public squares or such other public grounds of said city as they shall deem expedient.

Fountains.

Assessment of water rents. § 8. The said commissioners shall, from time to time, assess the water rents to be paid for water used at each house or other building against the occupant or occupants, owner or owners, of such house or other building, upon such basis as they shall deem equitable, and such water rents shall become a continuing lien upon such house or

other building for the accommodation of which water shall have been introduced, and upon the land or lot and house or other building on which such house or other building stands, when said lot or land and building are owned by the same person or persons, from the time the water shall have been introduced as aforesaid.

§ 9. It shall be the duty of said commissioners to collect the rents so assessed, and in case any person or persons so assessed shall neglect to pay any such assessment for ten days after the time fixed for the payment thereof, of which notice shall be given in some newspaper published in said city, such notice to be at least ten days before the time fixed for the payment of such rents, said commissioners shall issue their warrants, under the seal of said corporation, directed to the marshal or any constable of said city, commanding him to make the amount specified in such warrant, being the amount due for water rent as aforesaid, together with the costs of advertising the same, and such fees as constables are entitled to by the laws of this state in the levy and sale of personal property upon execution, out of the goods and chattels of the person or persons so assessed as aforesaid; and the marshal or constable in such case may levy under said warrant upon any personal property of the person or persons against whom the same is issued, and sell the same at public auction, after giving ten days' notice of the time and place of sale in some newspaper published in said city; and such warrants shall authorize the sale of any house or building on which any lien shall have attached as aforesaid, subject only to such *bona fide* incumbrances as shall have existed prior to the time of the introduction of such water as aforesaid.

§ 10. And when any such warrants shall be returned by said officer unsatisfied, the said commissioners shall proceed to sell said lands and lots and building or buildings, when owned by the same person as aforesaid, in the same manner and after having given the like notice as is required by the laws of this state for the sale of lands for taxes, and the certificate of sale in such cases, signed by either of said commissioners, shall have the same force and effect as the certificate required by law on the sale of lands for taxes as aforesaid. In case the said real estate shall be sold as aforesaid, and the person or persons owning the same shall neglect to redeem the same in manner provided by the laws of this state for the redemption of real estate in sales for taxes, the said commissioners may give a deed, under the seal of said corporation, of the said real estate so sold as aforesaid to the purchaser or purchasers thereof; which deed shall be, as near as may be, the same, and shall have the like force and effect as deeds given upon the sale of lands for taxes as provided by the laws of this state.

Collection of
rents.

Sale of proper-
ty.

Deeds.

Assessment for use of public hydrant. § 11. The said commissioners shall also, from time to time, assess upon the person or persons occupying or moving any house or other building situated in the vicinity of any public hydrant, when said house or other building is not supplied by a private hydrant, such amount as in their judgment the occupant of such house or other building might be benefitted by the use of such public hydrant, and such assessment when so made shall be a lien upon such house or other building, and upon the lot on which the same shall stand when said house or other building and lot are owned by the same individual, in the same manner as hereinbefore provided in case of private hydrants, and such assessment may be collected in the same manner in all respects as is hereinbefore provided.

Hydrants. § 12. It shall be the duty of said commissioners to construct hydrants of sufficient size and capacity, and in such localities, as they shall deem desirable, for the purpose of extinguishing fires, and they shall assess the houses and other buildings in the vicinity of the said hydrants in the proportion in which they shall deem the same respectively benefitted, and the said assessment shall be collected in the same manner as is herein provided for the collection of the water rent assessed by said corporation.

Record of proceedings. § 13. The said commissioners shall keep an accurate record of all proceedings, together with a list of all assessments for water rents, which shall be subject to inspection at all times, and may elect one of their own number to act as secretary of said board, or employ some other competent person for the purpose, as they may deem desirable.

Reports. § 14. It shall be the duty of said commissioners to make report to the common council of said city semi-annually; which report shall embrace a statement of the funds and securities of said corporation, and all debts due and owing to and from said corporation, together with an accurate account of their expenditures; which statement shall be certified by said commissioners under oath, and shall be entered for record by the clerk of the said city, and published in some newspaper in said city of Chicago.

Surplus res'pts. § 15. Whenever the receipts of said corporation, from water rent or other sources, shall accumulate so that there shall be a surplus amounting to a sum of not less than five hundred dollars (\$500,) not needed for the payment of the current expenses of said corporation, it shall be the duty of the commissioners to invest the same in some safe stocks, or upon other real or personal securities, under the direction and approval of the judge of the circuit court of Cook county, or some other judge in said county having chancery jurisdiction; such approval to be signified in writing, under the hand of such judge. Such investment shall be made in the name of said corporation, and in such man-

Application.

ner as to make the same available for the payment of interest and the principal of the bonds issued as aforesaid, as soon as may be. It shall be the duty of said commissioners to pay the interest on such bonds as fast as such surplus fund will permit, and also the principal as the bonds become due, as funds for such purpose shall, from time to time, accumulate. The said commissioners may, when they have funds for that purpose, purchase the bonds so issued as aforesaid, whether the same have become due or not; and in case the said commissioners shall at any time not have funds on hand sufficient to meet any of the said bonds at the time when they shall become due, they shall have the right to issue new bonds, for such amount and on such time as they shall deem expedient, in the place of bonds so becoming due as aforesaid; the said old bonds to be cancelled in the registry thereof, and the said new bonds to be recorded in the manner hereinbefore provided.

Bonds.

§ 16. It shall be the duty of said commissioners, at least thirty days before the time fixed by the ordinances of said city for assessing city taxes, to make a special report to the common council of said city, what, if any, sum will be needed by said commissioners, over and above the revenues of said corporation, to meet the payment of interest or principal of the bonds issued as aforesaid, and it shall be the duty of the common council to raise said amount by a special tax, in the same manner as general taxes, to be designated a water tax, and the said amount shall be paid over to the said corporation by the collector of said city.

Special reports.

Special tax.

§ 17. The salary of said commissioners, and also of the secretary of said board, shall be fixed by the common council of said city, from time to time, as soon as may be after the passage of this act, and after such election as herein provided, and the amount of such salary shall not be reduced during the term for which said commissioner shall be elected.

Salaries.

§ 18. Each commissioner, before entering upon the duties of his office, shall give bond to said city, in such sum and with surety to the satisfaction of the common council of said city, conditioned for the faithful performance of his duties as such commissioner, and that he will faithfully disburse and account for all moneys coming under his control as such commissioner; the amount of which bond may be increased at any time as the said common council may deem expedient.

Commissioners to give bond.

§ 19. Said commissioners may purchase the corporate rights, and real and personal property, fixtures and stock of every name and description, of the Chicago Hydraulic company, on such terms as may be agreed upon between said commissioners and said company, and when such purchase shall be made the said commissioners shall succeed to

Chicago Hydraulic company.

and become invested with all the powers, rights, privileges and immunities exercised and enjoyed by the said Chicago Hydraulic company, under their charter, and shall continue to supply water to the citizens of Chicago under the same, and collect the money and rents due therefor, in all respects as fully and effectually as the said Chicago Hydraulic company can or may do, until the said commissioners, acting under the provisions of this act, shall have completed their arrangements, machinery, engines, pipes, buildings and other things provided for in this act, for the purpose of supplying the said city with pure and wholesome water; after which time the said Chicago Hydraulic company and their said charter shall become extinct and null: *Provided, always*, that if the said commissioners cannot agree with the said Chicago Hydraulic company as to what sum shall be paid the said Chicago Hydraulic company for their property, rights and privileges, then the said company shall have the right to establish, by satisfactory proof, the actual cost of their said property, before the judge of the circuit court of Cook county, upon petition to him, in term time or vacation, and no greater sum shall be paid for the same than the said judge shall decide the actual cost to have been.

Right of repeal. § 20. This act may at any time be altered, repealed or amended.

Materials, &c., exempt from execution. § 21. All materials procured or partially procured under a contract with the commissioners, shall be exempt from execution, but it shall be the duty of the commissioners to pay the money due for such materials to the judgment creditor of the contractor under whose execution such materials might otherwise have been sold, upon his producing to them due proof that his execution would have so attached, and such payment shall be held a valid payment on the contract.

Commissioners not to be interested in contracts. § 22. No one or more of the said commissioners shall be interested, either directly or indirectly, in any contract entered into by them with any other person, nor shall they be interested, either directly or indirectly, in the purchase of any material to be used or applied in and about the uses and purposes contemplated by this act.

Removal of commissioners. § 23. The said commissioners, or either of them, may be removed from office by the judge of the circuit court of Cook county, upon petition presented to him, in term time or in vacation, by the common council of the city of Chicago, if it shall appear, after hearing and proof before said judge, that the said commissioners, or either of them, have been guilty of misfeasance or malfeasance in office, or of any breach of duty, either of commission or omission, under this act, and if the said judge shall remove any two or more of said commissioners from office, for any cause, before the expiration of their term of office, he is hereby authorized

and empowered to appoint others in their stead, who shall fill such offices for and during the unexpired term of such commissioner so removed.

§ 21. The said commissioners shall adopt such places Location of any
drainic works as in their opinion may be most advantageous for procuring such supply of water, and shall ascertain, as nearly as may be, what amount of money may be necessary to carry the same into effect. The said commissioners shall make a report of their proceedings, containing a full statement and description of the place adopted by them, an estimate of the expense thereof, together with an estimate of the probable amount of revenue to accrue to the city upon the completion of the work, with the reasons and calculations upon which their opinions may be founded, and all such other information connected with the object of their appointment as they may deem important.

§ 25. Such report shall be made and presented to the Report to com-
mon council. common council by the said commissioners, together with all such conditional contracts as may have been made by them by virtue of this act, on or before the first day of January which will be in the year of our Lord one thousand eight hundred and fifty-two.

§ 26. The said commissioners are hereby authorized to Right of way. enter upon any land or water for the purpose of making surveys, and to agree with the owner of any property which may be required for the purposes of this act as to the amount of compensation to be paid to such owner.

§ 27. In cases of disagreement between the commis- Damages, how
determined. sioners and the owners of any property which may be required for the said purposes, or affected by any operation connected therewith, as to the amount of compensation to be paid to such owner; or in case any such owner shall be an infant, a married woman, or insane, or absent from this state, the judge of the circuit court of Cook county may, upon the application of either party, nominate and appoint three indifferent persons to examine such property, and to estimate the value thereof, or damage sustained thereby, and to report thereon to the said court, without delay.

§ 28. Whenever such report shall have been confirmed by the said circuit judge of Cook county, the said commis- Payment of
damages. sioners shall, within two months thereafter, pay to the said owner, or to such person or persons as the court may direct, the sum mentioned in said report, in full compensation for the property so required, or for the damage sustained, as the case may be, and thereupon the said commissioners shall become seized in fee of such property so required, and shall be discharged from all claim by reason of any such damage.

§ 29. If any person shall wilfully do or cause to be Penalty. done any act whereby any work, materials or property

whatsoever, erected or used within the city of Chicago or elsewhere by the said commissioners, or by any person acting under their authority, for the purpose of procuring or keeping a supply of water, shall in any manner be injured or shall wilfully pollute the water, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished therefor as other misdemeanors are punished.

Contracts to be
in writing.

§ 30. All contracts for materials or for the construction of the work shall be made in writing, and of each contract two copies shall be taken, which shall be numbered and indorsed with the date of the contract and with the name of the contractor, and a summary of the work to be done, materials to be furnished; one copy of which shall be retained by said commissioners and the other copy of which shall be filed with and kept and preserved by the clerk of the common council among the files of said office.

Sealed proposals.

§ 31. Public notice shall be given of the time and place at which sealed proposals will be received for entering into contracts. All sealed proposals for contracts shall be for a sum certain, as to the price to be paid or received, and no proposition which is not thus definite and certain, which contains any alternative condition or limitation as to price, shall be received or acted on.

No person to
submit more
than one proposal.

§ 32. No more than one proposition shall be received from any one person for the same contract, and all the propositions of the person offering more than one shall be rejected [rejected.]

Security.

§ 33. Every person who shall enter into any contract for the supply of materials, or the performance of labor shall give satisfactory security to the commissioners for the faithful performance of his contract, according to its terms.

APPROVED February 15, 1851.

In force February 20, 1851.

AN ACT to authorize Young Stokes and J. W. Taylor to keep a ferry across Rock river, at Cleveland.

Ferry authorized.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That* Young Stokes and J. W. Taylor, their heirs and assigns, shall have the right and they are hereby authorized to establish and keep a ferry, for the term of ten years from the passage of this act, across Rock river, at Cleveland, in Henry county.

§ 2. The said Young Stokes and J. W. Taylor shall at all times keep good and sufficient boats, for the speedy and safe transportation of passengers, teams, horses, cattle and other animals, as well as goods and effects belonging to passengers; and shall furnish said boats with

of sufficient strength and skill to manage them, and shall charge and receive such rates of ferriage as may be allowed them, annually, by the county courts of Henry and Rock Island counties. Rates of ferriage.

§ 3. The said Young Stokes and J. W. Taylor, their heirs and assigns, shall have the exclusive privilege of ferrying at said town of Cleveland across Rock river, and for one mile each way from the landing of their said ferry, unless the said Stokes and Taylor, their heirs or assigns, shall fail to comply with the provisions of this act, then and in that case all rights and privileges acquired herein shall be forfeited; and the power to modify, alter, or repeal this charter, whenever the public good may require, is reserved. Said ferry to be taxed annually in such sum as the county courts of Henry and Rock Island counties may direct. Exclusive privilege. Taxes.

This act to take effect and be in force from and after the twentieth day of February, one thousand eight hundred and fifty-one.

APPROVED Feb. 15, 1851.

AN ACT to incorporate the Cairo Dock Company.

In force February 15, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That Daniel A. Webster, S. Staats Taylor, Henry C. Long, Charles Davis, William M. Walker, Hamilton Brewer, Moores W. White, Daniel W. Conner, their associates, successors and assigns, be and they are hereby made a body corporate and politic, under the name and style of the "Cairo Dock company," and by that title shall be and are hereby made capable in law and equity to sue and be sued, plead and be impleaded, defend and be defended, in any court or place whatsoever; to make and use a common seal, and the same to alter and renew at pleasure, and by that name and style be capable in law of contracting and being contracted with, and purchasing, holding and conveying real and personal estate, for the purposes and uses of said corporation, as hereinafter limited; and shall be and are hereby vested with all the powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act, as hereinafter set forth. The said estate owned by said company shall never exceed one half section of land, in all, for the purpose of erecting the necessary buildings and maintaining docks, locks, dams, basins, dry-docks, foundries, and ordinary work shops, at or near Cairo, in Alexander county, and for the purpose of using the waters of* Corporation. Style. General powers. Real estate.

- Cash river, for the basin, locks and docks. The said company may lay off and construct a race-way or canal, to unite at such point on said river as the company may deem most eligible and proper, and may erect a dam across said Cash river for securing the object aforesaid: *Provided*, that so far as the said Cash river is rendered navigable by any dams said company may construct on said river, the same shall be open, as now, for the use of all persons: *Provided*,
- Proviso.** *further*, that the said company shall be holden to pay all damages that may arise to any person or corporation by taking their land for said canal, when it cannot be obtained by voluntary agreement, to be estimated and recovered in the manner provided by law for the recovery of damages happening by laying out highways.
- Further proviso.**
- Capital stock.** § 2. The capital stock of said company shall never exceed three thousand shares, and no greater assessment shall be laid upon any shares in said company of a larger amount than one hundred dollars each share; and the immediate government and direction of the affairs of said company shall be vested in a board of not less than five directors, who shall be chosen by the members of the corporation, in manner hereinafter provided, and shall hold their office until others shall be duly elected and qualified to take their places as directors; and the said directors, a majority of whom shall form a quorum for the transaction of business, shall elect one of their number to be president of the board, who shall also be president of the company, and may also elect in the same manner a vice president of the company, and have authority to choose a secretary, who shall be sworn to the faithful discharge of his duties, and a treasurer, who shall give bond to the corporation, with securities to the satisfaction of the directors, in a sum not less than twenty thousand dollars, for the faithful discharge of his trust, and appoint such other officers and agents as to them may seem necessary.
- Directors.**
- Quorum.**
- Officers.**
- Secret'y to give bond.**
- § 3. The directors for the time being are hereby authorized and empowered, by themselves or their agents, to exercise all powers herein granted to the company, and all such other powers and authority for the management of the affairs of the company, not heretofore granted, as may be proper and necessary to carry into effect the objects of this act, and to create and dispose of the shares representing the capital stock of the company, at such time, and in such manner, and for such purpose as they may deem expedient and necessary: *Provided, however*, that nothing shall be so constituted as to invest said company with banking powers, or to authorize them to make, emit or utter any bank note or other thing to be used as a circulating medium, or as in lieu of money.
- Power of directors.**
- Proviso.**

§ 4. The company shall have power to ordain and establish all such by-laws, rules and regulations and ordinances as they may deem expedient and necessary to carry into effect the provisions of this act, and for the assessment, transfer and assignment of its stock, and the conveyance of property, and the well ordering, regulating and securing the interests and affairs of the company: *Provided*, the same be not repugnant to the constitution and laws of this state or of the United States.

§ 5. If any person shall wilfully do or cause to be done any act or acts whereby any building, structure or work of said corporation, or any engine, machine, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, injured or destroyed, the person or persons so offending shall be deemed guilty of a misdemeanor, and shall forfeit and pay to said corporation treble the amount of damages sustained by means of such offence or injury, to be recovered in the name of said corporation, with costs of suit, by action of debt or on the case, as the case may be. Penalty.

§ 6. The annual meeting of the members of said company shall be holden on the first Monday of November of each year, at Cairo, or such other place as the directors for the time being may appoint, at which meeting the directors shall be chosen by ballot, each proprietor being entitled to as many votes as he holds shares; and either of the two first named individuals in the first section of this act is hereby authorized to call the first meeting of said company, by giving notice in some newspaper published at the place where said meeting is to be held, of the time, place and purpose of said meeting, at least ten days before the time mentioned in said notice. Annual meetings.
Election of directors.

§ 7. This act shall be deemed and taken a public act, and as such shall be taken notice of by all courts in this state, without pleading the same, and shall be in force from and after its passage. The legislature of this state reserves the right to alter or amend this act, after twenty years, as the public good may require. Right of repeal.

APPROVED February 15, 1851.

AN ACT to establish the Union Insurance Company of Illinois.

In force Feb. 15,
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That there shall be established in the town of Winchester, Illinois, an insurance company, to be called the "Union Insurance company of Illinois." Corporation.
Style.

Continuance. § 2. All such persons as shall hereafter be stockholders of said company, shall be and they are hereby declared to be a body politic and corporate, by the name and style of the "Union Insurance company of Illinois," and to continue for thirty years from and after the passage of this act; and by that name and style shall be competent to contract and be contracted with, and be capable in law and equity to sue and be sued, to plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places and in all matters whatsoever.

Powers. § 3. The said corporation may have and use a common seal, which they may change or break at pleasure, and may also make and establish and put in execution such by-laws, ordinances and regulations as shall, in their opinion, be necessary for the good government of said corporation and the prudent and efficient management of its affairs. No by-laws, ordinances or regulations of the same shall be in anywise contrary to the laws and constitution of this state and of the United States.

Capital stock. § 4. The capital stock of said company shall be one hundred thousand dollars, to be divided into shares of fifty dollars each, to be paid in such instalments as the directors chosen under this act may from time to time direct, under such penalties as the president and directors may, in their discretion, appoint and order. The said capital stock may hereafter be increased to an amount not exceeding two hundred thousand dollars, in the discretion of a majority of the directors of said corporation, to be subscribed for and taken under the direction and superintendence of the directors aforesaid, or a majority of the said directors, by any person whomsoever, in the same manner as is provided for the subscription to the original capital stock. The stock of said corporation shall be assignable and transferable, according to such rules as shall be adopted in that behalf by the by-laws and ordinances thereof.

Marine Insurance. § 5. The corporation hereby created shall have power and authority to make marine insurances upon vessels, goods and merchandise, freight, moneys, bottomry, respondentia, interest, and upon all marine risks and inland navigation and transportation, and against all losses by fire of any buildings or houses whatsoever, and vessels, and also to receive moneys on deposit, and to loan the same on bottomry and respondentia, or otherwise, at such rates of interest as now are or may hereafter be allowed by this state, and they may also cause themselves to be insured against any maritime risks upon which they have made insurance, and upon the interest which they may have in any vessels, goods or merchandise, or houses, in virtue of any such loans, whether on bottomry and respondentia or otherwise, on such

To be assignable.

Fire insurance.

Loans.

terms and conditions as may be agreed upon by the parties, and to fix the premiums and terms of payment.

§ 6. All policies of insurance by them made shall be subscribed by the president, or in case of his death or absence, by the vice president, and countersigned and sealed by the secretary of said company; and all losses arising under any policy, so subscribed and sealed, may be adjusted and settled by the president and board of directors. Policies of insurance.

§ 7. The said corporation shall not take any risk nor subscribe and policy by virtue of this act, until one-fourth part of the capital stock thereof shall have been subscribed and one-half of the subscription actually paid in. Restriction.

§ 8. The said company shall [not,] directly or indirectly, deal or trade in buying or selling any goods, wares or merchandise whatever, but the president and directors may, at their option, vest the capital stock of said corporation in the capital stock of any incorporated bank, trust company or public funds of the United States, or any state in the Union; they shall have power, also, to loan to any citizen of this state any portion of their capital stock, not exceeding ten thousand dollars to one individual, on bottomry, bond, mortgage of real estate, or other satisfactory security, at their discretion. Trade in merchandise prohibited.

§ 9. The said corporation may purchase and hold such real estate as may be deemed necessary for the transaction of its business, and to an amount at any one time not exceeding twenty thousand dollars; and to take and hold any real estate, as securities, mortgaged or pledged to the said corporation, to secure the payment of any debt due or that may become due to it, and also to purchase on sales made by virtue of any judgment at law, or any decree of a court of equity, or otherwise; to take and receive any real estate, in payment or toward satisfaction of any debt previously contracted or due to the said corporation, and to hold the same until they can conveniently and advantageously sell and convert the same into money or other personal property, and to sell and convey said real estate or any part thereof. Real estate. Limitation.

§ 10. William Ross, Henry T. Mudd, E. B. Kirby, Samuel D. Lockwood, Alexander McDonald, and David A. Smith, are hereby appointed commissioners for superintending subscriptions to said capital stock; and the said commissioners, or a majority of them, shall open one or more subscription books for said stock, on the first Monday of May, A. D. 1851, in the towns of Pittsfield, Winchester and Jacksonville; and the sum of two dollars on each share subscribed for shall be paid to said commissioners, at the time of making such subscriptions. The books may be closed whenever the whole of said stock shall be subscribed. And whenever a board of directors shall be duly elected the said commissioners shall deliver over to the said board Commissioners. Subscriptions.

Books.

of directors said books, and shall pay over to said board the whole amount of money by them respectively or jointly received, except so much as shall be retained for the expenses incurred by them in executing the duties imposed upon them by this act: *Provided, however,* that if the books for the subscription of stock shall not be opened at the time herein required, the said commissioners may open the books at any time thereafter, upon giving twenty days' notice in one of the newspapers printed in each of the towns of Pittsfield, Winchester, and Jacksonville, of the time and place of opening the same.

Vacancies.

§ 11. In case of the death, resignation or absence of any of the commissioners named in this act of incorporation, it shall and may be lawful for any three of them to form a quorum, and proceed to business, whose duties shall be the same in the premises as those prescribed to the whole of said commissioners by this act named, and their doings as such shall be legal.

Directors.

§ 12. The stock, property and concerns of said incorporation shall be managed and conducted by nine directors, who shall hold their offices for one year and until others shall be chosen, and no longer, and shall at the time of their election be citizens of this state, and holders, respectively, of not less than ten shares of the capital stock of said company.

First election.

§ 13. The first election of directors under this act shall be held at such time and place as shall be directed by the said commissioners, or a majority of them, who, or a majority thereof, are hereby appointed inspectors of said election; and the persons thus elected as directors shall hold their offices for one year from the date of their election, and until others are elected in their stead.

Subsequent elections.

§ 14. The said directors shall be elected annually thereafter, at such time of the day, and at such place, and under the direction of such persons as a majority of the directors for the time being shall appoint, by a resolution to be entered upon the minutes.

Mode of conducting elections.

§ 15. All elections shall be by ballot, allowing one vote to each share of the capital stock, and the nine persons who shall have the greatest number of votes shall be directors; and if at any election two or more persons shall have an equal number of votes, so as to leave their election undecided, then the directors who have been duly elected shall proceed by ballot and by a plurality determine which of said persons so having an equal number of votes shall be director or directors, so as to complete the whole number; and

Vacancies.

whenever any vacancy shall happen for the office of president or vice president or director, from death or other cause, such vacancy shall be filled for the remainder of the year in which it shall happen by the directors for the time

being, or a majority of them. The said commissioners shall certify under their hands and seals the persons elected, and deliver such certificate to the persons selected, or some one of them; and if through any unavoidable accident said directors should not be chosen on the first Monday, as aforesaid, it shall be lawful to choose them on any other day, in the manner herein provided.

§ 16. The directors, when chosen, shall meet as soon Officers. as may be after every election, and shall choose out of their number a president, who shall be sworn or affirmed faithfully to discharge the duties of the office, and shall preside for one year and until another person shall be chosen in his stead; also a vice president for the same term; they shall have power to appoint a secretary and all subordinate officers and agents of said corporation, and locate such agents at such points as they shall choose, fix their compensation, define their powers, and prescribe their duties, who Compensation. shall give such bond, and in such penal sums, with such Bonds. conditions and with such securities as the directors shall prescribe, and hold their several offices during the pleasure of a majority of said directors.

§ 17. The president and vice president and four of the Quorum. directors shall be a board competent to the transaction of business; and all questions shall be decided by a majority of votes.

§ 18. The legislature of this state shall never pass any Limitation of power of general assembly. law retarding or obstructing or in anywise suspending the collection of any debt due said corporation.

§ 19. The expenses incurred by the commissioners, on Expenses. executing any duties required by this act, shall be paid out of the moneys received by them from the subscribers, out of the capital stock, and may be retained by them for such purposes.

§ 20. It shall be the duty of the directors of said com- Dividends. pany, at such times as the by-laws thereof shall prescribe, to make dividends of so much of their interest arising from the capital stock and the forfeits of said company, as to them shall appear advisable; but the money received and notes taken for premiums or risks which shall be undetermined and outstanding at the time of making such dividend shall not be considered as a part of the profits of said company; and in case of any loss or losses, whereby the capital stock of said company shall be lessened, before all the instalments are paid in, each proprietor's or stockholder's estate shall be held accountable for the instalment that may remain unpaid on his share or shares at the time such loss or losses took place; and no subsequent dividend shall be made until the sum arising from the profits of the business of said company, equal to such diminution, shall have been added to the capital stock; and once in every three years,

and oftener if required by a majority of the votes of the stockholders, the directors shall lay before the stockholders, at a general meeting, an exact and particular statement of the profits, if any there be, after deducting losses and dividends.

Construction of act. § 21. This act is hereby declared to be a public act, and shall take effect from and after its passage, and shall be liberally construed for every purpose herein contained.

Limitation. § 22. This charter shall be void unless the stock shall be subscribed and the company shall commence operations, agreeably to the provisions thereof, within three years from the passage of this act.

Banking powers prohibited. § 23. Nothing in this act contained shall confer on said corporation banking powers.

Losses. § 24. That in case of any loss or losses taking place, which shall be equal to the amount of the capital stock of said company, and the president and directors, after knowing of such loss or losses having taken place, shall subscribe to any policy of insurance, their estates, jointly and severally, shall be accountable for any and every loss which shall take place under policies so subscribed; and the estates of stockholders, as aforesaid, shall be liable for any losses equal to the amount of said capital stock subscribed and not actually paid in, in all cases of losses not exceeding the means of said company, whether they consist of of stock paid in or of profits not divided.

APPROVED Feb. 15, 1851.

In force February 15, 1851.

AN ACT for the relief of Henry Crider and James A. Oliver.

Preamble.

Whereas judgment was rendered against Henry Crider, James A. Oliver, and others, sureties of James Hankins, late sheriff of Fayette county, deceased, for the sum of five hundred and ninety-seven dollars and six cents, and execution having issued upon said judgment and levied upon the lands of said Crider and Oliver, which land was sold, and purchased by the state of Illinois; therefore,

Reconveyance. SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That if the said Henry Crider and James A. Oliver shall pay to the auditor of the state of Illinois the sum of two hundred and forty dollars, being their proportion of the said judgment; that it shall then be the duty of the said auditor to reconvey by deed, or transfer of the certificate of purchase, to the said Henry Crider and James A. Oliver, the lands so sold

and purchased by the state of Illinois: *Provided*, that the said sum of two hundred and forty dollars and six cents shall be paid within twelve months from the passage of this act.

APPROVED February 15, 1851.

AN ACT amendatory of "An act for the relief of Thomas S. Brockman, late collector of the county of Brown, and his securities," passed February twenty-eight, one thousand eight hundred and forty-five. In force February 15, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the auditor of public accounts be empowered, and he is hereby authorized to adjust, and full settlement to make with Thomas S. Brockman, late collector of Brown county, to correct and make allowance for all errors in the original assessment for taxes for one thousand eight hundred and forty, and all errors in the sale for said taxes which may be satisfactorily shown by authenticated statements made by the proper officers of Brown county. Authority to auditor.

§ 2. Said auditor is further authorized to release the amount of said errors, and give said Brockman credit therefor upon a judgment against him and securities, in the supreme court. Release of errors.

§ 3. Said Brockman is hereby released from the payment of twelve per cent. per annum upon the amount of said judgment, but is bound for six per cent. per annum upon the residue of said judgment, after the correction and release of said errors. Release of penalty.

§ 4. The auditor is hereby authorized and empowered to convey, release and transfer to the said Thomas S. Brockman, his heirs and assigns, all the right, title and interest of the state to any and all lots, tracts or parcels of lands that may have been purchased by the state on and in payment of an execution in favor of the state, issued in pursuance of the judgment aforesaid. It being the intent and meaning of this act that the said Brockman shall pay into the state treasury the amount that should properly have been paid by him, with interest and costs, and that he be released from all other liabilities on account of said judgment: *Provided*, he complies with the provisions of this act on or before the first day of June, one thousand eight hundred and fifty-one. Conveyance of lands.

§ 5. This act to take effect and be in force from and after its passage. Proviso.

APPROVED Feb. 15, 1851.

In force February 15, 1851. AN ACT to authorize Frederick C. McKenny and his associates to build a toll-bridge across Rock river, at the town of Dixon, Lee county, Illinois.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That Frederick C. McKenny and his associates, and his and their heirs and assigns, be and they are hereby authorized to build a toll-bridge across the Rock river, at the town of Dixon, in the county of Lee, and state of Illinois.*

Commencement and completion of bridge. § 2. The said Frederick C. McKenny and his associates, their heirs and assigns, shall commence the said bridge within two years, and complete the same within four years after passage of this act.

Toll-gate. § 3. The said Frederick C. McKenny and his associates, their heirs and assigns, are hereby authorized, after the completion of said bridge, to place a toll-gate at either end of said bridge, where he and they, and their heirs and assigns, may demand toll of any and every person crossing said bridge: *Provided*, that the rates of toll for crossing said bridge shall never exceed those allowed for crossing the ferry as now established at Dixon, and that after the expiration of twenty years from the completion of the said bridge, the corporation of the town of Dixon, the county of Lee, or the state of Illinois, shall have the right to purchase the same, by paying the cost of construction, and the interest thereon, at the rate of six per cent. per annum.

House. § 4. That the said Frederick C. McKenny and his associates, their heirs and assigns, shall have the right to erect a suitable house at either end of said bridge, for the convenience of a collector of tolls: *Provided*, the same shall not interfere with the travel to and from said bridge.

Bridge to be kept in repair. § 5. The said Frederick C. McKenny and his associates, their heirs and assigns, shall, at all times after the completion of said bridge, keep the same in good repair, and allow a speedy passage, and if at any time the said bridge shall be out of repair so as to be impassable for the space of six months at any one time, the same shall become the property of the corporation of the town of Dixon: *Provided*, that the destruction of the same by fire, water, or other casualty, shall not work such forfeiture, but the same shall be rebuilt or repaired as soon as practicable thereafter: *And provided, further*, that if any person in crossing said bridge shall sustain any injury or damage, either to himself or in his property, in consequence of said bridge not being kept in good repair, the proprietor or proprietors thereof shall be responsible for the same in their private property.

Penalty. § 6. Any person crossing said bridge with any beast, carriage or other vehicle, in a faster gait than a walk, shall, for every such offence, be subject to a fine of five dollars, to be recovered before any justice of the peace in an ac-

tion of debt: *Provided*, that notice of the same shall be put in large capitals at either end of the bridge.

§ 7. If at any time Rock river shall be made navigable, *Draw.* by the erection of locks in the dams above and below said bridge, then shall the proprietors cause a draw to be made in said bridge, so that said bridge shall not obstruct the navigation of said river.

§ 8. No ferry or toll-bridge shall be allowed or established within one mile of the place where said bridge is authorized to be built. *Exclusive right.*

APPROVED February 15, 1851.

AN ACT to establish a ferry across the Kaskaskia river.

In force February 15, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the ferry heretofore established by the county commissioners' court, on the ninth day of June, one thousand eight hundred and forty-one, on section sixteen, lot No. six, in town one south, of range five west of the third principal meridian, on the Kaskaskia river, in the name of B. M. Cox, in Clinton county, is hereby declared a regularly established ferry; and the roads leading to and from said ferry are hereby declared public roads, and that the county court of Clinton county shall possess the power from time to time to establish rates of toll or ferriage to be received at said ferry: *Provided*, that the inhabitants of said township shall at all times be permitted to cross free of charge, and of assessing a tax upon the same, according to the instructions of the trustees of said township: *Provided*, that the said tax shall not exceed annually the sum of one hundred dollars, which tax shall be collected as other township assessments, and paid into the treasury of said township, to be appropriated as other township funds; and all the revenues arising from ferry privileges on said section sixteen be under the direction and management of the said trustees as aforesaid, and that section third of the act of February twenty-three, one thousand eight hundred and forty-three, is hereby repealed. *Ferry established. Roads. Toll. Tax. Section of act repealed.*

This act to take effect from and after its passage.

APPROVED Feb. 15, 1851.

In force February 15, 1851. AN ACT authorizing the towns of Wilmington and Reed, and other towns to raise a tax for the improvement of the Kankakee river, and for building a bridge across said river.

- Vote.** SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That it shall be lawful for the legal voters of the towns of Wilmington and Reed, in Will county, at their next annual town meeting, to vote for or against a tax for the improvement of the Kankakee river, from the state dam up said river to Wilmington, and for building a bridge across said river at Wilmington. Notice of said vote shall be given by the respective town clerks of said towns, by posting up written or printed notices thereof in three of the most public places in each of said towns, at least ten days prior to said town meetings.*
- Notice.**
- Manner of voting.** § 2. Said vote shall be taken by ballot, upon which shall be written or printed, or partly written and partly printed, "for the tax," or "against the tax." If it shall be found that a majority of the voters of said towns of Wilmington and Reed, respectively voting upon the question, have voted in favor of the tax, then there shall be assessed, for and during the term of four years, an annual tax of one cent upon every dollar's worth of taxable property, real and personal, in said towns, or of whichever of said towns shall have voted in favor of said tax; which tax shall be collected in the same manner as other taxes are collected, except that it shall be paid in money only. Said votes shall be canvassed, as nearly as may be, as votes at general elections are canvassed, and shall be certified to by the moderators and clerks of said town meetings, and filed in the office of the town clerks of said towns respectively.
- Rate of tax.**
- Mode of collection.**
- How paid over.** § 3. The collectors of each of said towns shall annually pay over to the treasurer of the Kankakee and Iroquois Navigation and Manufacturing company the amount of taxes collected under the provisions of this act, after deducting his fees, which shall be the same as in other collections, and shall receive his receipt therefor; and the proper officer of said company shall make out and deliver to the supervisor or town clerk of said towns, respectively, a certificate of stock in said company, equal to four times the amount of money so paid in by the said collector for the first year, and shall indorse upon the back of said certificate the amount of money paid in, and the several amounts paid in from year to year thereafter shall be indorsed upon said certificate in like manner. If either of said towns shall at the expiration of said four years have paid to the treasurer of said company a sum greater than the par value of the certificate issued to said town, it shall be the duty of the proper officer of said company to pay to said town an additional amount of stock equal to such excess; and in case either

of said towns shall have paid in at the end of said term of four years an aggregate amount less than the par value of its certificate of stock, it shall be the duty of said town to surrender to the proper officer of said company an amount of its stock equal to such deficit; and in no case shall either of said towns be held to pay over to said company upon such stock a greater sum than the taxes above provided for. Said towns shall respectively be considered stockholders in said company, and shall each have as many votes in all meetings of the stockholders of said company as their respective shares will entitle them to, which vote may be given by the supervisor for the time being of each of said towns, unless said towns shall, at a regular town meeting, otherwise direct.

§ 4. The money so raised and paid over shall be faithfully applied by said Kankakee and Iroquois Navigation and Manufacturing company to the following objects: Application.

First. To the improvement of the navigation of the Kankakee river, from the state dam to the town of Wilmington.

Secondly. To the building of a bridge across said river at said town of Wilmington.

§ 5. In case one of said towns shall vote in favor of said tax and the other shall vote against said tax, it shall be the duty of the town clerk and supervisor of said town voting against said tax to call a special town meeting, giving like notices as above, within sixty days after said first vote, at which time the legal voters may again vote for or against a tax; and in case a majority of those voting on the question shall vote in favor of a tax, the same shall be levied and collected as above set forth; and in case a majority shall vote against said tax, then no such tax shall be collected for that year; and in case either or both of said towns shall refuse to raise said tax during the present year, it shall be lawful for such town or towns, at the annual town meeting in 1852, to take a like vote; and the provisions hereinbefore provided shall be applied to that and all subsequent taxes, as nearly as may be, and the same shall be levied and collected for the term of four years from and after the said vote is taken. Special town meeting.
Second vote.
Third vote.

§ 6. It shall be lawful for the Kankakee and Iroquois Navigation and Manufacturing company, in case said town or towns shall levy and pay in said tax, as aforesaid, to construct a good and substantial bridge across the Kankakee river, at Wilmington, at some convenient and suitable point; and the said company shall have the right to establish such rates of toll for crossing said bridge as may be reasonable and just, which tolls shall be subject to such alterations by the general assembly from time to time as may be equitable and just. Bridge to be built.
Tolls.

§ 7. This act shall not be construed to interfere with or in any way alter or change the rights of or be binding Limitation.

upon the said Kankakee and Iroquois Navigation and Manufacturing company, unless the board of directors of said company shall, at a meeting of said board, accept this act, and enter their acceptance upon their corporation books.

Other towns.

§ 8. Any towns which may at the present session of the general assembly be formed out of the said town of Wilmington, may, by vote of the legal voters thereof, as above prescribed, become subject to all the provisions and entitled to all the benefits of this act, in every respect, in the same manner as are the towns of Wilmington and Reed, and the town clerk of the town of Wilmington shall give the like notice in such town ten days prior to the next annual town meeting, as is required in relation to the towns of Wilmington and Reed.

§ 9. This act to be in force on its passage.

APPROVED Feb. 15, 1851.

In force February 15, 1851. AN ACT for the relief of the sureties of Meredith J. Blockberger, late collector of Montgomery county.

Time extended. SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That George Burnap, Reuben Ross, William Wood and Thomas A. Gray, securities on the official bond of Meredith J. Blockberger, late sheriff and collector of Montgomery county, be allowed the term of two years from the passage of this act, for the payment into the state treasury of the balance due from said late collector, for arrears of revenues due the state, upon executing the joint obligation of said above named securities, with such additional security as shall be deemed necessary, if any shall be deemed necessary by the auditor of public accounts, payable to the state treasurer, within two years from the passage of this act.

APPROVED Feb. 15, 1851.

In force Feb. 15, 1851. AN ACT for the relief of Green Massey, late sheriff of Alexander county.

Allowance. SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the auditor of the state of Illinois be allowed and he is hereby instructed to draw his warrant on the treasurer of this state in favor of Green Massey, late sheriff of Alexander county, for the sum of sixty dollars.

§ 2. This act to take effect from and after its passage.

APPROVED Feb. 15, 1851.

AN ACT to incorporate the Fayette County Seminary.

In force Feb. 15,
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That E. Capps, James W. Berry, William C. Greenup, Benjamin W. Thompson, George W. Hale, Samuel Spence, Robert Blackwell, John Shirley, Henry E. Waterman, Daniel Gregory, Thomas Wilkins and Joseph Gordon, and their successors, be and they are hereby constituted a body politic and corporate, by the name of "Fayette Seminary," and by that name shall have perpetual succession, with power to make contracts, to sue and be sued, plead and be impleaded, and to grant and receive by their corporate name; to accept, acquire purchase or sell property, real, personal or mixed, in all lawful ways; to use, employ, manage, and dispose of all such property, and all money belonging to the corporation, in such manner as shall seem best calculated to promote the objects of this act; to have and use a common seal, and alter and change the same at pleasure; and to make by-laws, rules and regulations not inconsistent with the laws of the land.

§ 2. The object and business of the corporation shall be to open, establish and maintain a seminary of learning, to be known by the name aforesaid, for the education of the youth of the country, and to fit and prepare them for the various duties of life.

§ 3. The said seminary shall be permanently located in the town of Vandalia, and the east half of the house on the public square in Vandalia, formerly occupied and used as a state house, is hereby granted to said corporation, to be held and used as a county seminary, together with the ground on which said house stands, as provided for by an act passed on the nineteenth day of February, one thousand eight hundred and thirty-nine, entitled "An act disposing of the public property in Vandalia."

[§ 4.] The persons named in the first section of this act shall constitute the board of trustees of the said seminary, who, as well as their successors, are vested with power to appoint or employ a president of the said seminary, and such other teachers or instructors as the wants of the institution may require; also from time to time to prescribe and regulate the kind and course of study, to fix the rate of tuition and other academical expenses, the compensation of the president and other teachers or instructors, to appoint all other necessary officers and agents and fix their compensation, and to make rules for the general management of the affairs of the institution, and for the regulation of the conduct of officers, agents and students.

[§ 5.] In order to have perpetual succession the trustees for the time being are vested with power to fill any

vacancy which may occur in the board, from death, removal out of the state, resignation or other cause, and a majority of the board shall constitute a quorum to do business.

Number of trustees. [§ 6.] The number of trustees shall never exceed twelve, exclusive of the president of the institution, who shall *ex officio* be a member of the board.

Powers of trustees. [§ 7.] The trustees for the time being shall have power to erect any additional buildings which may be deemed necessary, to purchase books, chemical and philosophical apparatus, and other suitable means of instruction; they shall also have power to remove or displace at pleasure any president, teacher, officer or agent of the institution, but two thirds of all the members of the board must concur in the removal of the president.

Officers. [§ 8.] The officers of the board of trustees shall consist of a president, secretary, and treasurer, and the treasurer, or any other officer may be required to give bond and security for the faithful discharge of the duties required of them by the board.

Powers of trustees. [§ 9.] The said trustees shall have power to establish and maintain separate departments in said institution for the education of males and females, to establish and maintain a normal department for the education of teachers, also to put in operation and maintain manual labor and mechanical departments, also a common school department, in which shall be taught the branches usually taught in common schools, and to appoint all such professors, instructors and agents as may be necessary to execute the powers herein granted; they are also vested with power to institute and confer such academical or other degrees as are usually conferred by colleges in this state, and to grant diplomas accordingly.

Religious faith. [§ 10.] In its different departments the said seminary shall be open to all applicants, and the profession of any religious faith shall not be required in order to admission, but students who are idle or vicious, or whose characters are immoral, may be suspended or expelled.

Property. [§ 11.] All property devised, bequeathed, granted or conveyed to the corporation, shall be applied to the objects and purposes expressed in the devise, bequest, grant or conveyance, when accepted by the trustees.

Common school department. [§ 12.] If the common school department shall be established the trustees of the township, or school directors of the district, may adopt and use that department as a township or district school, and use the school, township or district funds in paying for tuition, as though it was a township or district school; said department continuing, however, under the control of the trustees of the seminary.

Responsibility of trustees. [§ 13.] The trustees shall severally be responsible for the faithful application of all funds and property which

may by any means become the property of the corporation, to the objects and purposes of receiving the same, but no trustee shall be liable for any act, or the consequences thereof, against which he voted as a member of the board.

[§ 14.] The library and other articles or property purchased by the president and trustees of the town of Vandalia, by the use of the proceeds of the sales of furniture in the old state house, as well as all furniture remaining unsold, are hereby granted and given to the corporation created by this act. Library.

[§ 15.] The trustees are also vested with power to create, hold, control or use stocks or funds for the use of said institution, and to use the dividends upon the stocks and interest on funds for the support of the institution or any department thereof. Stocks.

[§ 16.] The real estate which said corporation may hold in perpetuity shall not exceed six hundred and forty acres, and if at any time a larger quantity shall be held or owned the excess shall be sold in ten years after the date of acquiring the same, otherwise such excess shall revert back to the person or persons, his, her or their heirs or devisors, from whom it was derived. Limitation of real estate.

[§ 17.] This act shall take effect on the passage thereof.
APPROVED Feb. 15, 1851.

AN ACT to incorporate the town of Grayville, White county.

In force May 5, 1851, if approved by the people of Grayville.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* [That] the inhabitants and residents in the town of Grayville, in White county, are hereby made a body corporate and politic, in law and in fact, by the name and style of "The President and Board of Trustees of the Town of Grayville," and by that name shall have perpetual succession, and a common seal, which they may alter at pleasure, and in whom the government of the corporation shall be vested, and by whom its affairs shall be managed. Corporation. Style.

§ 2. The boundary of said corporation shall include the original town plat and the several additions of the town of Grayville, as the same are recorded in the recorder's office in the county of White. Boundary.

§ 3. That there shall, on the first Monday of June next, be elected five trustees, and on every first Monday of June thereafter, who shall hold their offices for one year, and until their successors are duly elected and qualified; and public notice of the time and place of holding said Trustees.

Qualification of
trustees.

Qualification of
voters.

Vacancies.

election shall be given by the president and trustees, by an advertisement published in a newspaper in said town, or posting it up in at least four of the most public places in said town. No person shall be a trustee of said town who has not arrived at the age of twenty-one years, and who has not resided in said town six months next preceding his election, and who is at the time thereof a *bona fide* freeholder, and, moreover, who has not paid a state or county tax; and all white free male inhabitants over twenty-one years of age, who have resided in said town three months next preceding an election, shall be entitled to vote for trustees. And the said trustees shall, at their first meeting, proceed to elect one of their body president, and shall have power to fill all vacancies in said board which may be occasioned by death or resignation, provided the vacancy shall not exceed three months; all vacancies which shall occur for a longer time the board shall give ten days' notice, by posting up at least three advertisements in said town, for such vacancy to be filled in the same manner as provided for in regular elections, and to appoint a clerk, an assessor, a treasurer, a street supervisor, and a town constable, to give bond and security in such amount as the trustees may require. And the said town constable shall take an oath of office before some justice of the peace that he will faithfully discharge the duties of said office; and it shall be his duty to collect all fines and serve all processes at the suit of the corporation, and to do such other matters and things, pertaining to the office, as may be required of him by the ordinances and by-laws of said corporation.

Property.

§ 4. The said corporation is hereby made capable in law to take and hold to themselves and their successors any lands, tenements, hereditaments; have power to sue and be sued, to plead and answer and be answered in any court whatever.

Powers.

§ 5. The trustees aforesaid, and their successors, or a majority of them, shall have full power and authority to ordain and establish such rules and regulations for their government and direction, and for the transaction of the business and concerns of the corporation, as they may deem expedient, and to ordain and establish and put in execution such by-laws, ordinances and regulations as shall seem necessary for the government of said corporation, and for the management, control, disposition and application of its corporate property, and generally to do and execute all and singular such acts, matters and things which to them may seem necessary to do, and not contrary to the laws and constitution of this state.

Tax.

§ 6. The said trustees shall have power to levy and collect a tax, not exceeding one-half of one per cent., on all

lots and improvements and personal property lying and being within the incorporate limits of said town, according to valuation; to tax public shows and houses of public entertainment, taverns, stores and groceries, for the purpose of making and improving the streets and keeping them in repair, and for the purpose of erecting such buildings and other works of public utility as the interest and convenience of the inhabitants of said town may require, and the circumstances render proper and expedient; and said trustees may adopt such modes and means for the assessment and collection of such taxes, and the rents, issues and profits thereof, which may be necessary for the erection of any public school house in said town, market house or other public buildings, to promote the interest and public good of the citizens of said town, and the same to sell grant and dispose of if necessary; they shall also have power to regulate, to grade, pave and improve the streets, lanes and alleys within the limits of said town and corporation, and to extend or open and widen the same, making the persons injured thereby adequate compensation—to ascertain which the board shall cause to be summoned six good and careful men, freeholders, and inhabitants of said town, not directly interested, who, being first duly sworn for that purpose, shall enquire into and take into consideration as well the benefits as the injury which may accrue, and estimate and assess the damages which would be sustained by reason of the opening, extending or widening of any street, avenue, lane or alley, and shall, moreover, estimate the amounts which other persons will be benefitted thereby, and shall contribute towards the person injured; all of which shall be returned to the board of trustees, under their hands and seals, and they who shall be benefitted and so assessed shall pay the same, in such manner as shall be provided, and the residue, if any, shall be paid out of the town treasury; and said corporation shall, as they may from time fix upon and determine,* and to prescribe the manner of selling property, when the tax levied upon it is not paid: *Provided*, no sale of town lots or other real estate shall be made until public notice of the time and place shall be given, by advertisement in the newspapers, or at four of the most public places in said town, at least fifteen days previous thereto: *Provided*, that in conducting such sale the provisions of the act concerning public revenue, so far as the same may be applicable, shall be complied with. Proviso.

§ 7. That the trustees of said town, or a majority of Powers. them, shall have power to preserve good order and harmony in said town, to punish for open indecency, breaches of the peace, gambling, gaming houses, horse racing, shooting, and all disorderly houses and riotous meetings, to remove

*This sentence is imperfect in the enrolled law.—Pa.

obstructions in the streets and public ways, and all nuisances; for which purpose they may make such by-laws and ordinances as to them may seem expedient and not inconsistent with any public law of this state, and impose fines for the breach thereof, which fines shall be recoverable before any justice of the peace residing in said town. All suits and judicial proceedings under this act shall be brought in the manner and style of the "President and Trustees of the Town of Grayville."

Violation of ordinances.

§ 8. It shall be the duty of any justice of the peace residing in said town, and he is hereby authorized and empowered, upon the violation of any laws or ordinances of said corporation, to issue his warrant, directed to the town constable or any authorized county officer, to apprehend the offender or offenders, and bring them or him forthwith before him, and, after hearing the evidence, if it shall appear that the said accused has been guilty of a violation of any such laws or ordinances of the corporation, to impose such fine or imprisonment as shall be pointed out in such laws or ordinances: *Provided*, such fine shall not exceed five dollars, and imprisonment not exceeding twenty-four hours: *Provided, however*, that writs of *certiorari* and appeals shall be granted from judgments under this act, as in other civil cases, and in all criminal cases the defendant shall [be] entitled to an appeal to the county or circuit court by entering into bond or recognizance, as the case may require, before the justice of the peace, within twenty days after the rendition of the judgment, with such security and in such an amount as the justice shall think right and proper; and all fines imposed for a breach of the peace, or violation of the corporation ordinances, shall be paid into the treasury of said corporation.

Redemption of town lots sold for taxes.

§ 9. That when any town lots or real estate shall be sold for taxes, by virtue of this act, the same may be redeemed at any time within two years from the date of such sale, by the owner of said property, or his or her agent, executor or administrator, paying to the treasurer of said town, for the use of the purchaser, at the rate of ten per cent. per annum, together with the costs accruing thereon.

Special tax.

§ 10. That upon the application of the owners of a majority of the front lots on any street, it shall be lawful for the board of trustees to levy and collect a special tax on the owners of the lots on said street or parts of a street, according to their respective fronts, not to exceed one per cent., for the purposes of grading and paving the said side walks on said street.

Ordinances.

§ 11. That all ordinances of said trustees shall be fairly written out, signed by the clerk, and published in a newspaper printed in the town, or posted up at three of the most public places in said town; and no ordinance shall be in force until published as aforesaid at least ten days.

§ 12. The justices of the peace and constables who are ^{Fees.} required to render services under this act shall be entitled to the same fees and collect them in the same manner as now is or may hereafter be provided by law.

§ 13. That the president, or any two of the trustees, ^{Meetings.} shall have power to call a meeting of the board, by giving one day's notice thereof, and a majority shall constitute a quorum ^{Quorum.} to do business, but a majority shall [have] power to adjourn from time to time, to compel the attendance of absent members, and in the event that the notice of an election is not given as required by this act, or from any other cause, that an annual election shall not be holden at the proper time, it shall be lawful for the late clerk of the board, or any two qualified voters in said town, at any time thereafter, to give notice as aforesaid of the time and place of holding a special election; and the trustees elected at such special election shall have all the powers conferred by this act.

§ 14. The qualified [voters] within the corporation ^{Vote for or} shall vote, on the first Monday in May next, for or against ^{against law.} becoming incorporated under this act. If a majority of all the votes cast at said election are in favor of being incorporated, then this act to be in full force, otherwise to be null and void.

APPROVED Feb. 15, 1851.

AN ACT to amend the charter of the Lake and McHenry Plank Road Company. In force February 15, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the Lake and McHenry Plank Road association shall have the ^{Right of extension.} right to extend their road from its present termination, through the counties of Lake, McHenry and Boone, in such direction as the said company may choose, on obtaining the consent of the board of supervisors of the respective counties through which said road shall pass, and may make a good turnpike road without plank wherever the nature of the ground will admit, and for this purpose the time for completing the road shall be extended to the first day of July, A. D. one thousand eight hundred and sixty, and they may at all times exercise and possess all rights and privileges over the road as far as it is constructed as fully as they would be were the road fully completed.

§ 2. The capital stock of said company may be in- ^{Increase of capital stock.} creased to one hundred and fifty thousand dollars.

APPROVED Feb. 15, 1851.

In force Feb. 15,
1851.

AN ACT to change the names of certain persons therein named.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the names of Mary Henderson Beller, of Greene county, in the state of Illinois, be and the same is hereby changed, for all purposes whatever, to the name of Mary Henderson Dewees, and that the names of her children, Louisa Jane Beller, William Harrison Beller, Julia Ann Beller, Rachel Terry Beller, Charlotte Temple Beller, and Pernina Lucretia Beller, be changed, for all purposes whatever, to Louisa Jane Dewees, William Harrison Dewees, Julia Ann Dewees, Rachel Terry Dewees, Charlotte Temple Dewees, and Mary Lucretia Dewees.

§ 2. That the name of Oliver Sheple, of the county of Fulton, state of Illinois, be and the same is hereby changed, for all purposes whatever, to the name of Oliver Shipley, and by that name to be known, and to have, maintain and enjoy all the rights and immunities, in person and property the same, to all intents and purposes, as if his said name had not been changed.

This act to be in force from and after its passage.

APPROVED Feb. 15, 1851.

In force Feb. 15, AN ACT to amend an act entitled "An act to incorporate Metropolis city," approved February 25th, 1845.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the board of trustees of Metropolis city, in Massac county, Illinois, be and they are hereby authorized and empowered, upon the application in writing of the owners of two thirds of the front lots on any street in said town, to levy and collect a tax in money or labor which shall be sufficient, in the judgment of said board of trustees, to grade and pave the side walks on such street.

§ 2. If any owner of any lot so assessed under the provisions of this act shall fail and refuse to pay the tax or amount assessed upon his or her lot or lots, the same shall be subject to sale for the tax or assessment made as aforesaid, in the same manner, in all respects, as the lands of delinquent tax payers are now subject to be sold under the revenue laws of this state.

§ 3. The president of said board of trustees be and he is hereby invested with the jurisdiction of justice of the

peace, in all cases, civil and criminal, arising within the corporate limits of said Metropolis city, and shall be entitled to the same fees for services rendered.

President to have jurisdiction of the peace.

APPROVED Feb. 15, 1851.

AN ACT to incorporate the Chester Branch Railroad Company.

In force Feb. 15, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That John Campbell, Seth Allen, Francis Swanwick, William Edwards, William C. Murphy, H. B. Jones, Henry Hempleman, Chester A. Keyes, Frederick Williams, Walter B. Scates, Harvey T. Pace, Stinson H. Anderson and Stephen J. Hicks, their associates, successors and assigns, be and they are hereby constituted a body corporate and politic, under the name and style of the "Chester Branch Railroad company," for the purpose of surveying, locating, constructing, completing and operating a railroad, from the town of Chester, in Randolph county, in the state of Illinois, and thence, upon the most eligible route, to Pinckneyville, in Perry county, and thence to intersect at some suitable point with the main trunk of the Central railroad from Cairo to the southern terminus of the Illinois and Michigan canal, whenever the said persons and their associates shall organize in full compliance with the provisions of an act entitled "an act to provide for a general system of railroad incorporations," approved November fifth, A. D. one thousand eight hundred and forty-nine.

Corporation.

Style.

Objects.

§ 2. This act shall be in force from and after its passage.

APPROVED Feb. 15, 1851.

AN ACT changing the eastern termination of the Northern Cross Railroad.

In force Feb. 15, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That no forfeiture shall accrue against or in respect to the Sangamon and Morgan Railroad company, or in respect to any grant made to said company by the act supplementary to the act incorporating said company, by reason of a failure to expend fifty thousand dollars in the construction of the road east of Springfield during the present or next year: *Provided*, that by the first of February, eighteen hundred and

Release of forfeiture.

Proviso.

fifty-three, the said company shall have expended one hundred thousand dollars in the construction of said road, and that in one year after said date last mentioned, they shall have finished the road to the line of the main trunk of the Central railroad, so that the same may be safely used for the transportation of persons and property thereon, but if the company shall not have expended the said sum of one hundred thousand dollars by the said first day of February, one thousand eight hundred and fifty-three, or shall not have complied with the conditions prescribed in the supplemental act aforesaid, then the general assembly may repeal the said supplemental act, and the property granted and conveyed by the same shall revert to and become the property of the state.

Further proviso. § 2. The said company may change the direction of the road at Danville so as to run from that point to the state line at the nearest practicable point, in the direction of Lafayette: *Provided*, said company shall not extend their said road more than fifteen miles from Danville.

Location. § 3. The said company may locate and construct the road on the most eligible route, within two miles of Urbana, from Decatur to Danville, any thing in previous acts to the contrary notwithstanding.

This act shall take effect from and after its passage.

APPROVED Feb. 15, 1851.

In force February 15, 1851. AN ACT to authorize Thomas D. Davis and John M. Barwick to build a mill-dam across the Big Saline creek.

Mill-dam authorized. SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That Thomas D. Davis and John M. Barwick, their heirs and assigns, be and they are hereby authorized to build, construct and continue a mill-dam across the Big Saline creek, on the south-east fourth of the north-west fourth of section four, in township ten south, of range four east, in the county of Williamson; provided they are the owners of said land.

§ 2. This act to be in force from and after its passage.

APPROVED February 15, 1851.

AN ACT to incorporate the Galena Forum and Literary Institution, at Galena, Illinois. In force February 15, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That J. B. Branch, Osee Welch, C. B. Denio, Wm. R. Craig, and Augustus Chetlan, and all such other persons as shall hereafter become stockholders in the corporation hereby created, shall be and are hereby created a body politic and corporate, under the name and style of "The Galena Forum," to be located in the city of Galena; and by that name shall have perpetual succession, and shall have power to adopt a common seal, and alter or renew the same at pleasure; and by that name shall transact all its business, and may sue and be sued, answer, prosecute and defend in all courts of justice in this state having competent jurisdiction. Corporation.
Style.

§ 2. That the capital stock of said association shall not exceed fifty thousand dollars, and shall be divided in shares of ten dollars each, but shall be entitled to all the franchises when five thousand dollars shall be subscribed and secured to the satisfaction of the directors. Capital stock.

§ 3. That the above named incorporators shall open books at such times and places in the city of Galena, for subscription to the capital stock, as they shall appoint, not exceeding three months after the passage of this act; and when five thousand dollars shall be subscribed the directors shall be elected by the stockholders; at which time twenty per cent. of the capital stock subscribed shall be paid in to the directors so chosen, and the balance secured to the satisfaction of the directors. Subscriptions.
Directors.

§ 4. That so soon as the association shall be fully organized, as named in the above section, the directors are hereby authorized to purchase a suitable lot of ground, and erect thereon a building of such materials and construction as they may think proper, to be known as the "Galena Forum," to be situated in the city of Galena, the front story to be used as stores and an arcade, and the upper stories to be so constructed as to be used as assembly and lodge rooms. That the said assembly room or rooms shall be and remain forever open for the use of all religious denominations, of every kind, physiological, scientific and political associations of all kinds, thespian, theatrical and other performances, concerts, and all other social parties of every name and kind, under such terms and restrictions as the directors may prescribe. Objects.

§ 5. That from the directors so chosen one shall be selected as president, who shall preside at all meetings of the board; and a secretary and treasurer shall be selected from the stockholders, whose duties shall be prescribed by the board, who shall hold their offices for one year, or until their successors are elected and qualified. Officers.

- By-laws.** § 6. That the stockholders, at their organization, shall adopt by-laws, rules and regulations by which the corporation and its members shall be governed, and may alter or amend the same, and define the duties and compensation of the officers, and require such security for the faithful discharge of their duties as shall be deemed proper, and shall have power to declare forfeited all stock not paid on due notice given.
- Restriction.** § 7. That said corporation shall not deal in any real or personal estate, property or merchandise, except so much as may be necessary for its own use, and such as may be taken to secure any debt, or in payment thereof, due the corporation, but shall strictly confine itself to the object of its creation, as herein set forth.
- Stock transferable.** § 8. That the stock in this corporation shall be personal property, on which certificates may issue, but no transfer shall be valid while the holder is indebted to the corporation, and until an entry in the record of said corporation of such transfer.
- Rent for room.** § 9. That the directors of said corporation shall, at their annual meeting, establish a certain per diem for the use of the public room, which shall not be increased or diminished during said year.
- Construction.** § 10. This act shall take effect from and after its passage, and be deemed a public act, and be liberally construed, for all purposes herein contained, by the courts of justice in this state,

APPROVED Feb. 15, 1851.

In force February
15, 1851.

AN ACT to incorporate the Illinois Liberal Institute.

- Corporation.** SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Alfred Brown, Peter Frans, Lorentus E. Conger, E. A. Paine, Alvah Wheeler, Alfred Knowles, John L. Clay, Reuben Heflin, Samuel Dow, Jonathan Rice, S. W. Brown, Alfred Osburn, Joel Lee, C. R. Palmer and Amos Pronty, and their successors, be and they are hereby created a body politic and corporate, to be styled "The Illinois Liberal Institute;" and by that name to remain in perpetual succession, with power to contract and be contracted with, to sue and be sued, to acquire, hold and convey property, real personal and mixed, to have and use a common seal and alter the same at pleasure, to make and alter by-laws for the government of the corporation, its officers, agents and servants: *Provided,* such by-laws be not inconsistent with the constitution and laws of the United States or of this state.
- Style.**
- General powers.**

§ 2. The object of the corporation shall be the establishment and support of education. Object.

§ 3. The said institution shall be located in the town of Galesburg, in the county of Knox, and the persons named in the first section of the act, and their successors, shall be trustees thereof. Said trustees shall have power to locate and erect the necessary buildings, to appoint a principal, and all such instructors and instructresses, and employ all such agents as may be requisite to the purposes of the corporation, to dismiss or remove any or all of them, at their pleasure, and to appoint or employ others in their stead. The trustees shall also have power to prescribe the course of study, fix the prices of tuition, and determine the compensation of the principal and all other persons employed in the institution. Location.
Trustees.
Their powers.

§ 4. The said corporation shall have power to receive by gift, grant, devise or bequest, property, real personal or mixed, and to hold and use the same, with the issues, rents and proceeds thereof, for the purposes of the institution: *Provided*, that the whole amount of property so held by said trustees, exclusive of legacies and donations, shall not amount, at any one time, to more than twenty thousand dollars. Property.
Proviso.

§ 5. All money, property, rents, choses in action, and other valuables, so received by said trustees, shall be faithfully applied to the erection of buildings, the purchase of furniture, books, maps, charts, globes, philosophical, astronomical, chemical, and other apparatus, necessary to the success of the institution, and to the payment of the salary of the principal and others employed by the trustees: *Provided*, that when the funds of said institution shall exceed the sum of five thousand dollars, then said excess may be appropriated as hereinafter provided. Application of property.
Proviso.

§ 6. The trustees shall have power to receive subscriptions from all persons, and of collecting the same, for the purpose of advancing and supporting said institution; and when any person shall subscribe the sum of twenty-five dollars, he shall be entitled to one share and one vote, as a stockholder in said institution, and shall be entitled to a receipt therefor from the treasurer of said institution. And when any person shall subscribe three shares, he shall be entitled to two votes, and the subscriber of seven shares shall be entitled to three votes, and so on in that proportion. Subscriptions.

§ 7. That on the first Wednesday of May next, or on some Wednesday within two months thereafter, the time designated by a majority of said trustees herein named, and not until four thousand dollars are subscribed, said stockholders shall meet at said town of Galesburg, and organize said institution, by electing from their body not less than nine nor more than twenty-one trustees, the exact number Organization.
Trustees.

to be determined by said stockholders so met. Said stockholders to elect said trustees in three classes: the first class, one third of said number, to be elected for the term of three years; and the second class, also one third of said number, for the term of two years, and the third class for the term of one year; and each class to hold their office until their successors are elected, and ever afterwards each class to be elected for three years.

Books, papers,
&c.

§ 8. That the said Alfred Brown, Peter Frans, L. E. Conger, E. A. Paine, Alvah Wheeler, A. Knowles, J. L. Clay, R. Heflin, S. Dow, J. Rice, S. W. Brown, A. Osburn, J. Lee, E. R. Palmer, A. Pronty, the original trustees named herein, shall, upon the election of said trustees by said stockholders, as herein provided, immediately turn over to the trustees so elected, as their legal successors, all of the books, papers, property, implements, materials, and all other things belonging and appertaining to said institution. And said trustees so elected shall have as free and as ample power, in all things, as is herein given to the trustees named herein.

Officers.

§ 9. The trustees so elected by said stockholders shall elect from their own body one president, to hold his office during the time for which he was elected a trustee, and one treasurer, who shall hold his office at the will of said trustees; and said trustees shall also elect from among said stockholders, whether he is a trustee or not, one secretary, who shall hold his office for the term of five years, unless removed by a vote of at least two-thirds of the trustees. The separate duties of said officers, besides what are herein provided for, to be prescribed by the by-laws of said institution.

Treasurer to
give bond.

§ 10. The treasurer, before entering upon his duties, shall give a bond for the faithful performance of his duty, in such a sum and upon such conditions as the trustees shall direct; and all forfeitures upon said bond shall be collected in the name of said institution, for its use and benefit. The treasurer shall also provide himself with books, in which the names of all the subscribers, and the amount by each subscribed, shall be entered, as well as all payments made upon said subscription; and he shall also enter in said books an exact description of all property received by gift, grant or by purchase, and if real estate it shall be described in said books as described in the title papers; and the entries of each kind of property shall be kept by themselves. He shall also give receipts for money paid in on subscription to the person paying the same, and shall, annually, and oftener if required by the trustees, report to them all matters in the line of his duties, and shall exhibit his books for the inspection of the trustees, whenever by them required.

Duty of treasurer.

§ 11. The secretary shall keep a correct record of the proceedings of the stockholders, and also be the secretary of the board of trustees. Duty of secretary.

§ 12. One half of the trustees shall constitute a quorum, and may do the business of the board. Quorum.

§ 13. The annual meetings of the trustees shall be on the day of the annual meeting of the stockholders, and their annual meeting shall be held at a time and place designated by themselves at a previous annual meeting each year: *Provided*, the secretary shall be authorized to call special meetings, by giving public notice thereof, whenever requested so to do by the president and two other trustees. Annual meeting. Proviso.

§ 14. The stockholders shall meet annually on the same day of the annual meetings of the trustees, and elect one third of the number of trustees to fill the vacancies of those whose term of office shall then expire: *Provided*, that the principal or any teacher in said institution may be a stockholder in said institution, but in no case shall such principal or teacher be a trustee while he is so acting as principal or teacher. Election of trustees. Proviso.

§ 15. The said trustees are hereby required—first, to appropriate a sufficient amount of the funds of this institution to the permanent organization and support of the same; and second, the balance, if any, may be invested in a permanent fund, and the profits thereof be applied by the board for the establishment of professorships, or the education of orphans, or in any other manner consistent with the best interest of the institute hereby incorporated. Application of funds.

§ 16. The tract of land on which the buildings of the institute may be erected, together with all furniture, books, and apparatus belonging to said institute, shall be exempt from all taxes. Exempt'n from taxes.

§ 17. The trustees are hereby fully authorized and empowered to collect, in the name of said institute, all subscriptions which may have been made for the purpose of founding and establishing the same, prior to the passage of this act. Collection of subscriptions.

§ 18. This act shall be deemed a public act, and may be used as evidence without being specially pleaded.

APPROVED Feb. 15, 1851.

In force February 15, 1851. AN ACT to amend "An act to incorporate the colleges therein named," and the acts amendatory thereto.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the act entitled "An act to incorporate the colleges therein named," approved February ninth, one thousand eight hundred and thirty-five, and the several acts amendatory thereto, be and the same are so amended that the number of trustees of Shurleff college, denominated in said act "Alton college of Illinois," may be increased to any number not exceeding thirty-one, any number of whom, not less than seven, under the by-laws of said college, may form a quorum for the transaction of business.

This act to take effect from its passage.

APPROVED Feb. 15, 1851.

In force February 17, 1851.

AN ACT to vacate an alley in the town of Rushville, Schuyler county.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the alley laid out between blocks thirteen (13) and twenty (20,) that lies between Lafayette and Madison streets, in McCreery's addition to the town of Rushville, as laid out in section twenty-five (25,) township two (2) north, range two west of the fourth principal meridian, in the county of Schuyler, is hereby vacated.

This act to take effect from and after its passage.

APPROVED Feb. 17, 1851.

In force February 17, 1851.

AN ACT to build a bridge across the Illinois river at Ottawa, and to amend an act, in force March 1st, 1847, to authorize George H. Norris to build a bridge across the Illinois river at Ottawa.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Henry Green and his associates, their heirs and assigns, be authorized to build a bridge across the Illinois river, above the mouth of Fox river, or near the line between sections number eleven and twelve, in township thirty-three north, of range number three east of the third principal meridian, in the county of La Salle, and state of Illinois.

§ 2. That the said Henry Green and his associates, their heirs and assigns, shall commence said bridge within two

years from the passage of this act, and shall complete the same within two years thereafter.

§ 3. The said Henry Green and his associates, their heirs and assigns, are hereby authorized, after the completion of said bridge, to place toll-gate at either end of the same, where he or they, their heirs and assigns, may demand of every person passing said bridge the following rates of toll, viz: for each two horse waggon or carriage, drawn by two horses, mules, asses, or oxen, twenty cents; for each additional mule, ass, or ox, attached to such waggon or carriage, five cents; for each one horse waggon, carriage or cart, fifteen cents; for each man and horse, ten cents; for each head of hogs or sheep, under fifteen in number, one cent each, and for all over fifteen head in number, one half cent each; for each head of horses, mules, asses, or cattle, under fifteen in number, three cents each, and for all over fifteen in number, two cents each; for each footman, three cents; for each footman, per month, twenty-five cents: *Provided*, that said Green and his associates, their heirs and assigns, may double said rates for all persons passing after nine o'clock in the evening and before five o'clock in the morning. Toll-gate.
Tolls.
Proviso.

§ 4. The said Green and his associates, their heirs and assigns, are hereby authorized and required to make such arrangements with the Fox River Bridge company, at Ottawa, so that all persons crossing the bridge herein authorized to be built, and also the Fox river bridge, at Ottawa, in said county, upon the same day, may do so by paying the rates of toll by law established for crossing either of said bridges, so that but one toll shall be charged for once crossing both bridges upon the same day; and the Fox River Bridge company, at Ottawa, with the consent of each of the stockholders therein, are hereby authorized to enter into such agreement; and said agreement, when made shall be binding upon the owners of both of said bridges; or in case the said Fox River Bridge company and the said Green and his associates, their heirs and assigns, shall choose, in the manner aforesaid, to make an arrangement by which the stock of both the aforesaid bridges shall be consolidated, so that both of said companies shall be merged in one company, are hereby authorized and empowered to do so; and in such case the said Fox River Bridge company, at Ottawa, shall become merged in the corporation created by this act; and the above rates of toll only shall be charged for one crossing both of said bridges upon the same day; and the company created under this act shall, in case of the union of the Fox River Bridge company with the company formed under this act, have the control and management of the Fox river bridge, and have all the benefits of the provisions of the act creating the said Fox River Bridge company, and be

chargeable with all the liabilities imposed therein; and the provisions of this act, so far as applicable, shall apply to said Fox river bridge; and suits growing out of said bridge shall be brought in the name of the Union Bridge company, to be formed under this act.

Repairs.

§ 5. The said Henry Green and his associates, and their heirs and assigns, shall, at all times, after the completion of said bridge, keep the same in good repair, and allow a speedy passage; and if at any time the said bridge shall be out of repair, so that the same shall be impassable for the space of six months, at any one time, the same shall become the property of the corporation of the said town of Ottawa: *Provided*, the destruction of the same by fire or water, or other casualty, shall not work such forfeiture, but the same shall be rebuilt or repaired, as soon as practicable thereafter.

Right to reduce toll.

§ 6. The corporation hereby created shall have the right to reduce the foregoing rates of toll, after the completion of said bridge, in such manner as they may deem beneficial to the stockholders therein and the public.

Penalty.

§ 7. If any person shall wilfully do or cause to be done any injury to said bridge, the person or persons so offending shall forfeit and pay to the proprietors of the same three times the amount of such injury, to be recovered before any justice of the peace or other court having jurisdiction of the same.

Bridge to be deemed a public highway.

§ 8. The said bridge shall be deemed a public highway, within the meaning of the laws providing for the punishment of persons injuring, obstructing or destroying public highways or bridges, in any manner or by any means whatever.

Penalty.

§ 9. Every person crossing said bridge with any beast faster than a walk shall forfeit five dollars to the proprietor thereof, to be recovered before any justice of the peace or other court having jurisdiction thereof.

Toll-house.

§ 10. The said Green and his associates shall have the right to erect a suitable house at either end of said bridge, for the convenience of a collector of tolls or agents: *Provided*, the same shall not interfere with the travel to or from said bridge.

Corporation.

§ 11. For the purpose of carrying out the provisions of the foregoing act, the said Henry Green, and all such persons as shall become subscribers to the stock of said bridge, their successors and assigns, be and they are hereby created a body politic and corporate, by the name and style of the "Union Bridge company," and by such name shall be

General powers.

and are hereby made capable in law to sue and be sued to final judgment and execution, plead and be impleaded, defend and be defended, in any court of record or other place whatever; to have and use a common seal, and the same

to alter at pleasure; and shall be and are hereby vested with all the privileges, powers and immunities necessary to carry into effect the objects of this act; of holding and conveying real and personal estate, necessary for the purposes above mentioned; of contracting and being contracted with. And the immediate government and direction of the affairs of said company shall be vested in three directors, who shall be chosen by the members of the corporation, in the manner to be prescribed by the by-laws thereof, who shall hold their offices until others are duly elected; and said directors, a majority of whom shall form a quorum for the transaction of business, shall elect one of their number to be president of said company.

§ 12. The president and directors, for the time being, are hereby authorized and empowered, by themselves or their agents, to exercise all powers herein granted to said Green, his associates, their heirs and assigns, for the purpose of constructing and completing said bridge. President and directors.

§ 13. The said company shall have power to make all such by-laws, rules and regulations as they may deem necessary to carry into effect the objects of this act, and for the transfer and assignment of its stock, the conveyance of property, and the payments of assessments; and if any assessment upon the stock subscribed shall remain unpaid after thirty days' public notice has been given, requiring the payment of the same, it shall be lawful for the president of said company to sell such delinquent share or shares in such manner as the directors of the company may deem expedient: *Provided*, the by-laws established by said company shall not be repugnant to the laws of this state or the United States. By-laws.

§ 14. The members of said company, their heirs and assigns, shall be liable in their private and individual property, for any and all debts contracted on account of said bridge, to an amount equal to the stock so by him or them held. Individual liability.

§ 15. The said Green, his associates, their heirs and assigns, shall construct said bridge in such a manner that it shall not obstruct navigation on said river; that they shall keep open at least sixty feet at all times when steamboats or other crafts navigating said river may wish to pass said bridge. Navigation not to be obstructed.

§ 16. The act to authorize George H. Norris to build a bridge across the Illinois river, at Ottawa, in force March 1st, 1847, is hereby revived; and the said Norris, his heirs and assigns, are hereby authorized and required to commence the construction of said bridge in one year, and complete the same in two years thereafter; and the said act is hereby so amended as to require the said Norris, his heirs and assigns, or any person or persons acting under said Revival of act.
Amendment.

act, to build said bridge below the mouth of Fox river and in the town of Ottawa.

Restriction. § 17. Neither of said companies shall at any time own more real estate, exclusive of their bridge, to an amount exceeding five thousand dollars.

APPROVED February 17, 1851.

In force February 15, 1851. AN ACT to incorporate the Mississippi and Rock River Junction Railroad Company.

Corporation. SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That James F. Booth, John Phelps, jr., William C. Green, William L. Booth, Mellord Green, Clark Green, Robert Green, Wilson H. Weight, Nathaniel R. Boon, Richard Green, George Dudley, Rowland H. Reese, Samuel Johnson and Royal Jacobs, and such others as they may associate with them, their successors and assigns, are hereby constituted a body corporate and politic, by the name and style of "The Mississippi and Rock River Junction Railroad company," and by that name shall have succession for the term of fifty years from and after the passage of this act; and may, by that name, contract and be contracted with, sue and be sued, plead and be impleaded in any court of law or equity; may have and use a common seal and alter the same at pleasure; may make by-laws, rules and regulations for the management of its property, the regulation of its affairs, and for the transfer of its stock, not inconsistent with the laws and constitution of this state or of the United States; and may, moreover, appoint such subordinate agents, officers and servants as the business of the said corporation may require, and allow them a suitable compensation, prescribe their duties, and require bond for the faithful performance thereof, in such penal sums and with such securities as they may choose, who shall hold their offices during the pleasure of a majority of the directors of the said corporation.

Style.

Duration.

General powers.

Objects. § 2. The said corporation shall have the right to survey, locate and construct, and, during its continuance, to maintain and continue a railroad, with single or double track, and with such appendages as may be deemed necessary for the convenient use of the same, from the Narrows of the Mississippi river, in Fulton City, Whiteside county, and state of Illinois, to a point on the north-western branch of the Central railroad, north of Rock river, by the way of Sterling, in said county of Whiteside, should said branch of said Central railroad, when definitely located, run east

of said town of Sterling, and to locate and construct the same on such line, course or way as may be designated and selected by the directors of said corporation whereon to construct and locate the same, and may also prescribe the manner in which said railroad shall be used, by what power the carriages to be used thereon may be propelled, to regulate the time and manner in which goods, effects and passengers may be transported and carried on the same, and the rates of toll on the transportation of persons and property thereon.

§ 3. The capital stock of the said corporation shall be ^{Capital stock.} seventy-five thousand dollars, and shall be deemed personal property, and shall be divided into shares of fifty dollars. The capital stock may at any time hereafter be increased to a sum not exceeding two hundred thousand dollars, if the same shall be judged necessary, to be subscribed for and taken under the direction of the directors of said corporation—books to be opened for that purpose, and in such manner as may be prescribed by the by-laws of said corporation.

§ 4. The following named persons, to wit: Royal Ja- ^{Commissioners.} cobs, John Phelps, jr., William L. Booth, Richard Green, Samuel Johnson, Charles S. Lunt, Joel Harvy and Van J. Adams, John B. Myers, Joseph Boynton, Rowland H. Reese, Henry Ustick, Joshua T. Atkinson, of Whiteside county, Illinois, shall be commissioners for receiving subscriptions to the capital stock of said corporation, who shall, within twelve months from the passage of this act, cause books to be opened at such times and places as they may deem proper, for receiving subscriptions to the said capital stock. Notice of the times and places when and ^{Notice} where the books will be opened to be given by publication, or at least thirty days previous to opening the same, in some public newspaper published in the city of Rock Island, or Galena. On opening said books said commissioners shall attend, by themselves or agents, and continue to receive subscriptions to the capital stock of said corporation from all persons who will subscribe thereto, until the whole amount thereof shall have been subscribed, when the said books shall be closed. Each subscriber shall, at the time of subscribing, pay to the commissioners the sum of five dollars on each share of the stock subscribed for by him; and the said commissioners shall, so soon as the directors of said corporation are elected, deliver to them the whole amount so received, and also all subscription books and papers belonging to said company. A majority of said commissioners may fill any vacancies that may occur in their number by death, resignation or otherwise.

§ 5. The affairs of said corporation shall be managed ^{Directors.} by a board of nine directors, to be chosen annually by the

Election of
directors.

stockholders from among themselves. The first election for directors shall be holden as soon as may be after the stock has been subscribed. The commissioners shall give notice of the time and place at which a meeting of the stockholders will be held for the choice of directors; and at the time and place appointed for that purpose the commissioners, or a majority of them, shall attend and act as inspectors of said election. The stockholders who shall be present, either in person or by proxy, shall proceed by ballot to elect their directors; and the commissioners present shall certify the result of such election, under their hands, which certificate shall be recorded in the books of the corporation, and shall be sufficient evidence of the election of the directors therein named. All future elections shall be held at the times and in the manner prescribed by the by-laws and regulations of said corporation. Each stockholder shall be entitled to vote in person, or by proxy duly authorized, one vote for every share he may own, at the commencement of each election, and a plurality of votes shall determine the choice, but no stockholder shall be allowed to vote at any election, after the first, for any stock which shall have been assigned to him within thirty days previous to holding such election.

Payment of
subscriptions.

§ 6. It shall be lawful for the directors to require payment of the subscriptions to the capital stock, at such times and in such proportions and on such conditions as they shall deem proper, under the penalty of the forfeiture of the stock and all previous payments thereon; and they shall give notice of the payments thus required, and of the place where and the time when the same are required to be paid, at least thirty days previous to the time of requiring payments, by publication in at least three of the most public newspapers printed in the state.

Real estate.

§ 7. The said corporation is hereby empowered to purchase, receive and and hold such real estate as may be necessary and convenient in accomplishing the objects for which this corporation is granted, and may, by their agents, engineers and surveyors, enter upon and take possession of and use all such lands and real estate as may be necessary and indispensable for the construction and maintenance of said railroad and the appendages and accommodations requisite and appertaining thereto; and may also receive, take and hold all such voluntary grants and donations of lands and real estate as shall be made to the corporation for the purposes aforesaid; but whenever any lands, real estate or materials shall be taken and appropriated by said corporation for the location or construction of said railroad or its appendages, or any work appertaining thereto, and the same may not be given or granted to said corporation, or the proprietor or proprietors do not agree with said cor-

Right of way.

Damages.

poration as to the amount of damages or compensation which ought to be allowed and paid therefor, or shall not mutually agree on some person or persons to appraise the same, damages shall be estimated and assessed in manner following: the said corporation, or the owner or owners of said lands, may, on giving notice of their intended application and the time and place of making the same, apply, by petition to the judge of the circuit court of the county in which said lands may lie, or in the absence of the said judge from said county, then to the county judge, particularly describing in said petition the lands to be appraised; and upon proof that reasonable notice has been given, as directed, the said circuit judge, or in his absence then the county judge, shall, upon hearing the petition, appoint three disinterested freeholders, residents of the county in which said lands may be situated, as commissioners, for the purpose of assessing such damages; and the order in which they are appointed shall specify the lands proposed to be appropriated and occupied by the corporation for the purposes aforesaid. The said appraisers, after being being duly and legally sworn, by some officer legally authorized to administer oaths, honestly and impartially to assess such damages, shall proceed, by viewing said lands and by such other evidence as the parties may produce before them, to ascertain and assess the damages which each owner shall sustain by the appropriation of his lands for the purposes aforesaid. The said appraisers shall make a report in writing, to said judge of the circuit or county court, as the case may be, reciting the order of their appointments, and specifying the several parcels of lands described therein, the names of the owner or owners of the respective parcels of land, if known—if not known stating that fact, and specifying also the damages which the owner of the respective parcels will sustain by reason of the appropriation of the same for the purpose aforesaid; which said report shall be filed in the office of the clerk of the circuit or county court, as the case may be, in which said lands may lie. Should either party be dissatisfied with said assessments the said judge may, at the next term of the circuit or county court, as the case may be, on hearing the parties in interest, or if both do not appear, on proof of notice being given to the opposite party, modify the said assessments, as to him shall appear just. At the said term of the court, as aforesaid, holden next after the filing of said report, as aforesaid, a record shall be made of the report, with the order of the said court thereon, accepting or modifying the same. On the payment of damages, if any, thus assessed, and the expenses of assessment, the corporation shall immediately become seized and possessed of the said

lands and property, and entitled to the use of the same for the purposes aforesaid.

Damage to property of infants, &c., how ascertained. § 8. When the lands or any other property or estate of any other married woman, infant or person *non compos mentis*, shall be necessary for the construction of the said railroad or its appendages, the husband of such married woman, or the guardian of such infant or person *non compos mentis*, may release all damages in relation to the land, property or estate to be taken and appropriated as aforesaid, as fully as they might do if the same were holden in their own right, respectively; or the husband or guardian of any such person [whose property] shall be taken as aforesaid, may appear and act for and in their behalf in obtaining an assessment of the damages to the same under this act, and in case any such infant or person *non compos mentis*, whose property may be taken as aforesaid, shall be without guardian, the judge of the circuit or county court, as the case may be, shall have power to appoint a guardian *ad litem* to act in behalf of such person.

Intersections. § 9. Whenever it shall become necessary, under this act of incorporation, for the construction of a single or double track railroad, as herein authorized, to intersect or cross any stream of water or any public road or highway, it shall be lawful for the said corporation to construct or cross the same: *Provided*, that the said corporation shall restore such stream or water course or public road or highway, thus intersected, to its former state, or in a sufficient manner not to materially impair its usefulness.

Penalty. § 10. If any person or persons shall wilfully or negligently do, or cause to be done, any act or acts whatever whereby the said road, or any part thereof, or any building, construction or work of said corporation, or any engine, machine or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, weakened or impaired, injured or destroyed, the person or person so offending shall forfeit and pay to said corporation treble the amount of the damages sustained by reason of such offence, to be recovered, with costs of suit, in the name of said corporation, by action of debt; and such offender or offenders shall also be deemed guilty of a misdemeanor, and be subject to indictment and punished as in other cases.

Loans. § 11. For the purpose of facilitating the construction of said railroad authorized by this act, the said corporation is and shall be permitted to negotiate a loan or loans of money, to the amount of its capital stock, and to pledge all of its property, real and personal, and all of its rights, credits and franchises, for the payment thereof.

Repairs. § 12. It shall be the duty of the corporation hereby created, when the railroad contemplated by this act shall have been completed, to keep and maintain the same in good

condition and repair; and whenever, from any cause whatsoever, the same shall become injured or out of repair, the said corporation shall immediately proceed to repair the same.

§ 13. This act shall be deemed and considered a public act, and shall be favorably construed for all purposes herein expressed in all courts and places whatever.

APPROVED Feb. 15, 1851.

AN ACT to continue the charter of the Alton, Mount Carmel and New Albany Railroad Company. In force February 17, 1851.

Whereas by the act of the general assembly, approved *Preamble.*

February 12th, A. D. 1849, it is provided, in the following words, to wit: "That the Mount Carmel and New Albany Railroad company, incorporated by the legislature of the state of Indiana, and the Mount Carmel and Alton Railroad company, incorporated by the legislature of the state of Illinois, be and the same are hereby united, and shall hereafter form and constitute one company, to be known as the 'Alton, Mount Carmel and New Albany Railroad company,' &c.; and whereas the directors of the said company did, in accordance with the said act, meet at Mount Carmel, on the first Monday in June, A. D. 1849, and made and entered into an agreement whereby the aforesaid companies, commonly called the Southern Cross Railroad of Indiana and Illinois, were united into one company, by the name and style of the "Alton, Mount Carmel and New Albany Railroad company," and elected directors and officers of said company; therefore,

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the acts and doings of the said directors in and about the said agreement for the union of the said Mt. Carmel and New Albany and the Mt. Carmel and Alton railroad companies, be and the same are hereby ratified and confirmed. *Acts ratified.*

§ 2. That the act entitled "An act to incorporate the Mount Carmel and Alton Railroad company," approved January 18, A. D. 1836, together with all acts amending, renewing, revising and extending said act of incorporation, be and the same are hereby reenacted, renewed, revived, and extended, and the times allowed, authorized and provided therein for the commencement, completion and continuance of said railroad, shall be severally computed from the date of the passage of this act. *Act revived.*

Proviso repealed.

§ 3. That the proviso contained in the fourteenth section of the act incorporating the Mount Carmel and Alton Railroad company, approved January 18, A. D. 1836, be and the same is hereby repealed.

Section amended.

§ 4. That section five of an act entitled "An act to amend the act to continue the Mount Carmel and Alton Railroad company," approved February 12, A. D. 1849, be and it is hereby so amended that whenever the president and a majority of the board of directors of said company shall make application to the judges of the county courts of the several counties named and provided in said section, that the said judges of the county courts are hereby authorized, and it is hereby made their duty, to order a special election for the purposes named in said section, giving twenty days' notice of said election: *Provided*, that such election shall only be ordered upon the petition of one hundred voters in the county in which such election shall be held.

Proviso.

Authority to borrow money.

§ 5. That the said "Alton, Mount Carmel and New Albany Railroad company" is hereby authorized, and it shall be their duty, to borrow money for the purpose of aiding in the construction of said railroad, and for that purpose shall issue bonds, to bear an interest not exceeding eight per cent. per annum; and the payment of said bonds shall be secured by a lien on said railroad and its appendages, and the franchises and property of said corporation; and all sales of the bonds or other obligations of said company, for a less amount than their par value, shall be as good, valid and binding upon said corporation as if the same were sold for their full par value; and all the powers and regulations contained in this section shall extend and apply to all incorporated cities and towns, and also to all counties that may hereafter borrow money and issue their bonds or other obligations for the same, for the purpose of aiding in the construction of said railroad, by subscribing for shares of the capital stock or for the purpose of loaning such borrowed sums of money to said railroad company for said purpose.

Branchees.

§ 6. *Be it further enacted*, That said company be and are hereby authorized to construct a branch of said railroad to Illinoistown, on the east bank of the Mississippi river, opposite St. Louis, and also another branch thereof to Shawneetown, in Gallatin county.

Union with other roads.

§ 7. Said company shall have power to unite its railroad with any other railroad now constructed or which may hereafter be constructed, either in this state or in the state of Indiana, upon such terms as may be mutually agreed on by the companies so connecting, and for that purpose full power is hereby given to said company to make and execute such contracts with any other company as will secure the objects of such connection.

§ 8. This act to take effect and be in force from and after its passage.

APPROVED Feb. 17, 1851.

AN ACT for the relief of Strother B. Walker.

In force February 17, 1851.

Whereas the said Walker was on the bond of one Edmund Jones, a collector of Clay county, for the year 1842. Said Jones was a defaulter to the state treasury for that year, in the sum of five hundred and one dollars, seventeen cents, as appears on the records in the auditor's office. The said Jones was never prosecuted for the recovery of this amount, and is now insolvent, and has absented himself from the jurisdiction of the state. The said Walker was the only responsible name on said bond, and is himself a very poor but honest man, and desires relief, under the peculiar hardships of the case; therefore,

Preamble.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Strother B. Walker is hereby released from all obligation due to the state of Illinois, on account of the failure of one Edmund Jones, a collector of Clay county, to pay up the amount due the state of Illinois, for taxes of the year 1842.

Release.

§ 2. This act to be in force from its passage.

APPROVED Feb. 17, 1851.

AN ACT to amend an act entitled an act to incorporate the town of Petersburg. In force February 17, 1851.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the eighth and eighteenth sections of the act to which this is an amendment, be so amended that jurisdiction be and hereby is given to any justice of the peace of the county of Menard, upon complaint made to him, to issue his warrant for the immediate arrest and trial of all offenders against the ordinances of said town of Petersburg lawfully made, and upon conviction of any such offenders, the said justice of the peace shall have power to order him to be committed to the county jail until the fine and costs against him assessed shall be fully paid or replevied according to law: *Provided,* all such trials shall be conducted in all respects in the same manner and under the same regulations as other criminal

Offences against ordinances.

Proviso.

cases of a similar nature, and subject to an appeal to the circuit court of Menard county, as by law provided in cases of breaches of the peace.

Ordinances.

§ 2. The trustees of the said town of Petersburg are hereby authorized to pass all such ordinances as may be necessary and proper to carry out the powers conferred upon them by their original charter, and by the first section of this act: *Provided*, said ordinances be not contrary to the constitution of this state or of the United States.

Proviso.

APPROVED Feb. 17, 1851.

In force Feb. 17,
1851.

AN ACT to amend the charter of the City of Alton.

Issue of bonds
authorized.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the corporate authorities of the city of Alton be and they are hereby authorized to issue bonds of the city of Alton, pledging for the security of the payment of the same the revenue which may be derived from the public landing of the city of Alton, under the ordinances which may be passed by said city concerning said public land: *Provided*, the amount of said bonds shall at no time exceed in the aggregate the sum of fifty thousand dollars, nor bear a greater rate of interest than eight per cent. per annum: *And provided, further*, such bonds shall in no case be issued except to pay for the improvements made or labor expended upon said public landing, under contract made with said city.

Proviso.

Further proviso.

Copy of records.

§ 2. The common council of the city of Alton are hereby authorized to cause to be copied from the recorder's office of Madison county all the deeds, mortgages and other writings recorded in said county of Madison, concerning or affecting any real estate situate in said city of Alton; and said common council may employ the recorder of the city of Alton, or some other competent person, to copy said deeds, mortgages or other writings into a well bound book, to be provided for that purpose; and the person so appointed shall have access to the books of record of Madison county, for the purpose of making the copy aforesaid, free of charge.

Affidavit.

§ 3. When the deeds, mortgages and other writings aforesaid shall be copied, the recorder of Madison county shall assist in comparing said copies with the records thereof; and after the correction of all errors, if any, the person so employed, and the recorder of Madison county, shall make and sign an affidavit, certifying that said copy has been truly and correctly made from the records of said

office; which certificate shall be made upon the book in which the deeds are copied as aforesaid.

§ 4. Copies made from the books in which the deeds shall be copied as aforesaid, certified by the register of the city of Alton, may be used as evidence, *prima facie*, of the existence and contents of the original deeds, and of the time of the original recording of the same. Evidence.

§ 5. The recorder of Madison county shall be allowed five cents for his services and the use of his office, for each deed or mortgage, or other writing, copied under the provisions of this act, which shall be paid by the city of Alton. Fees.

§ 6. The plats of any land lying within the limits of the city of Alton, which may hereafter be subdivided into lots, shall be recorded in the office of the register of the city of Alton, instead of the office of the recorder of Madison county; and such recording in the city of Alton of plats already made, or to be made, shall have the same effect as if the same were recorded in the office of the recorder of Madison county. Record of plats.

§ 7. This act to take effect from and after its passage.

APPROVED Feb. 17, 1851.

AN ACT to provide for the building of side walks, &c., in the town of Joliet, in Will county. In force Feb. 17, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That it shall be lawful for the legal voters residing on any street in the town of Joliet, East Joliet, or any of the additions to said town of Joliet, (except so much of such streets running east and west as are situated between Scott street, in East Joliet, and Eastern avenue, in Bowen's addition,) to hold a meeting or meetings, at such time and place as may be hereafter designated, for the purpose of voting for or against a tax to be levied on the real estate adjoining such street, for the purpose of building a side walk or walks thereon. Tax authorized.

§ 2. Notice of such meeting shall be given at least ten days previous, by posting up written or printed notices in three public places on the street whereon said walk is proposed to be built, or by inserting the same two weeks successively, previous to said meeting, in some public newspaper published in said town; said notice shall state the time and place at which said meeting is to be held, and the purpose for which the same is to be held. Notice.

§ 3. The persons attending such meeting may choose a chairman and secretary from their number; estimates may be made of the amount necessary for the building of said proposed walk or walks; and the meeting shall determine Amount.

by vote the amount of money, if any, that shall be raised by tax for the building of such walk or walks. The meeting shall also determine that part of the street and what street, and whether on one or both sides of the same said walk shall be built; and if a majority of the voters at said meeting shall vote for said tax the same shall be levied, and if a majority shall vote against such tax the same shall not be levied. If such tax shall be levied as aforesaid, it shall be on the real estate in such street on which the proposed walk is to be built, and on no other property. Said tax shall be levied on such lot or part of lot contiguous and opposite on said street to said proposed walk, in proportion to the whole number of feet adjoining, opposite or contiguous to the same: *Provided*, that where good side walks are now made, of either stone or wood, opposite any lot or part of lot, such lot or part of lot shall be exempt from such tax, but the lot or lots on the opposite side of the street from said side walk shall be taxed the same as if no walk had been heretofore built. The amount levied on such lots on said street shall be certified by the chairman and secretary of said meeting to the clerk of the county, who shall forthwith make out a list of the same and deliver the same to the collector, who shall collect the same as other taxes.

Proviso.

Committee.

§ 4. Said meeting may choose a committee of three or five persons to build said walk, and said committee when chosen shall have full power to contract for the building of the same, and to remove or cause the removal of obstructions, and to do all things necessary for the building and completion of the same. Said side walks may be of either wood or stone, and shall not be less than three nor more than ten feet wide.

Record.

§ 5. A full and true record of all the proceedings of such meeting shall be kept, and a copy of the same, signed by the chairman and secretary, shall be filed with the clerk of the county court within thirty days' after such meeting shall have been held, and it shall be the duty of the clerk to preserve the same with the documents and records in his office. In computing the taxes for said town of Joliet, the said side walk tax shall be computed and carried out separately, and shall be collected in all respects in the same manner provided by law for the collection of other taxes, and the collector shall be responsible upon his bond as collector, for such side walk tax, and he shall pay the said tax over to said committee, upon their order, as the money is collected.

Additions.

§ 6. It shall also be lawful for the inhabitants, legal voters, residing in Bowen's addition, Campbell's addition, and Cassiday's addition to Joliet, and that part of East Joliet east of Scott street, and also the trustees' subdivision of the north-west quarter of section fifteen, adjoining Joliet, to

hold a meeting in manner above provided for, on the like notice being given, to vote for or against a tax on the real estate therein situated, for the purpose of building a walk or walks, extending from Scott street, in East Joliet, to Eastern avenue, in Bowen's addition to Joliet, and if a majority of the legal voters at such meeting shall vote for such tax, the same shall be levied upon the real estate above mentioned, in proportion to its valuation as per its assessment roll. The meeting shall determine the amount of such tax, and may choose a committee, and do all things necessary for the carrying into effect the provisions of this section.

§ 7. Should any person, taxed under the provisions of this act, refuse or neglect to pay the same within the time now given for the collector to collect state and county taxes, the lot or block shall be sold for said taxes in the same manner as for state and county taxes, and become forfeited in the same way. Delinquents.

This act to be in force from and after its passage.

APPROVED February 17, 1851.

AN ACT to change the name of the town of Georgetown, in Randolph county. In force February 17, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the name of the town of Georgetown, in Randolph county, be and is hereby changed to the name of Steeleville, and shall be so designated for all uses and purposes to which the former name of Georgetown applied. Change of name

§ 2. The rights of any citizen or property holder shall in no way be effected by the change of the name of said town. Rights reserv'd.

This act to be in force from and after its passage.

APPROVED Feb. 17, 1851.

AN ACT to locate an alley in the town of Rockton, county of Winnebago. In force February 17, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That there be and hereby is laid out an alley across block fourteen, in the town of Rockton, and county of Winnebago, eleven feet wide, running east and west, in such manner as to take one half of the eleven feet from the lots on Main street and the other half from the lots on Mechanic street. Alley establish- ed.

§ 2. This act to take effect from and after its passage.

APPROVED February 17, 1851.

In force February 17, 1851.

AN ACT to incorporate the Chicago and Milwaukee Railroad Company.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That all such persons as shall become stockholders, agreeably to the provisions of this act, in the corporation hereby created, shall be and are hereby constituted and declared a body corporate and politic, by the name of the "Illinois Parallel Railroad company," and by that name shall have succession for the term of fifty years from and after the passage of this act, and may, by said name, sue and be sued, complain and defend in any court of law or equity, may have and use a common seal and alter or renew the same at pleasure, may make by-laws, rules and regulations for the management of its property, the regulation of its affairs, and for the transfer of its stock, not inconsistent with the laws and constitution of this state or of the United States; and may, moreover, appoint such subordinate agents, officers and servants as the business of said corporation may require, and allow them a suitable compensation, prescribe their duties, and require bond for the faithful performance thereof, in such penal sums and with such securities as they may choose, who shall hold their offices during the pleasure of a majority of the directors of the said corporation.

§ 2. The said corporation shall have the right to survey, locate and construct, and during its continuance to maintain and continue a railroad, with single or double track, and with such appendages as may be deemed necessary for the convenient use of the same, from the city of Chicago, in the county of Cook, contiguous to or not varying more than ten miles from the shore of lake Michigan, viz: Waukegan, in Lake county, to the state line, to intersect a road now in contemplation of being made and constructed from Milwaukee, in the state of Wisconsin, *viz* Racine, Southport or *Kenosha*, to said state line, and to locate and construct the same on such line, course or way as may be designated and selected by the directors of said corporation whereon to construct and make the same, and may also prescribe the manner in which said railroad shall be used, by what force the carriages to be used thereon may be propelled, to regulate the time and manner in which goods, effects and passengers may be transported and carried on the same, and the rates of toll on the transportation of persons or property thereon; and it shall also be lawful for the said corporation to unite with any other railroad company already incorporated, or which may be incorporated, upon such terms and at such points and parts of the said railroads as may be considered necessary to unite with or to intersect each other within the limits of the road authorized by this act, as may be agreed upon by the direc-

tors of said companies, under the same privileges and restrictions as herein contained.

§ 3. The capital stock of said corporation shall be one million dollars, which shall be deemed personal property, and shall be divided into shares of one hundred dollars each. The said capital stock may at any time hereafter be increased to a sum not exceeding two millions dollars, if the same be judged necessary, to be subscribed for and taken under the direction of the directors of said corporation, whenever they shall cause one or more books to be opened for that purpose, and in such manner as may be prescribed by the by-laws of said corporation. Capital stock.

§ 4. The following named persons, to wit: David Ballantine, David Cory, W. G. Smith, D. O. Dickinson, E. D. Ely, A. B. Cotes, Wm. C. Tiffany, D. S. Dewey, John C. Clarkson, H. W. Blodgett, R. D. Dodge, H. Swan, H. W. Dorsett, of Lake county, shall be commissioners for receiving subscriptions to the capital stock of said corporation, who shall, within twelve months after the passage of this act, cause books to be opened at such places as they may deem proper, for receiving subscriptions to the said capital stock. Notice of the times and places when and where the said books will be opened to be given by publication for at least thirty days' previous to opening the same, in some public newspaper printed and published in each of such places. On opening said books the commissioners shall attend, by themselves or agents, and continue to receive subscriptions to the capital stock of said corporation from all persons who will subscribe thereto, until the whole amount thereof shall have been subscribed, when the said books shall be closed. Each subscriber shall, at the time of subscribing, pay to the commissioners the sum of five dollars on each share of the stock subscribed for by him; and the said commissioners shall, as soon as the directors of said corporation are elected, deliver to them the whole amount so received, and also all subscription books and papers belonging to said company. A majority of the commissioners above named may fill any vacancies that may occur in their number by death, resignation or otherwise. Commissioners.
Notice.

§ 5. The affairs of said corporation shall be managed by a board of nine directors, to be chosen annually by the stockholders from among themselves. The first election for directors shall be holden as soon as may be after the stock has been subscribed. The commissioners shall give notice of the time and place at which a meeting of the stockholders will be held for the choice of directors, and at the time and place appointed for that purpose the commissioners, or a majority of them, shall attend and act as inspectors of said election. The stockholders who shall be present, either in person or by proxy, shall proceed by ballot Directors.
Election.

to elect their directors; and the commissioners present shall certify the result of such election under their hands, which certificate shall be recorded in the books of the corporation, and shall be sufficient evidence of the election of the directors therein named. All future elections shall be held at the times and in the manner prescribed by the by-laws and regulations of said corporation. Each stockholder shall be entitled to vote, in person or by proxy, duly authorized, one vote for every share he may own at the commencement of each election, and a plurality of votes shall determine the choice, but no stockholder shall be allowed to vote at any election after the first for any stock which shall have been assigned to him within thirty days previous to the day of holding such election.

Payment of
stock.

§ 6. It shall be lawful for the directors to require payment of the subscriptions to the capital stock at such times, and in such proportions, and on such conditions as they shall deem proper, under the penalty of the forfeiture of the stock and all previous payments thereon; and they shall give notice of the payments thus required and of the place where and the time when the same are required to be paid, at least thirty days previous to the time of requiring said payments, by publication in at least three public newspapers printed in the state.

Real estate.

Right of way.

§ 7. The said corporation is hereby empowered to purchase, receive and hold such real estate as may be necessary and convenient in accomplishing the objects for which this incorporation is granted, and may, by their agents, engineers and surveyors, enter upon and take possession of and use all such lands and real estate as may be necessary and indispensable for the construction and maintenance of said railroad and the appendages and accommodations requisite and appertaining thereto; and may also receive, take and hold all such voluntary grants and donations of land and real estate as shall be made to the said corporation, for the purposes aforesaid. But whenever any lands, real estate or materials shall be taken and appropriated by said corporation, for the location or construction of said railroad or its appendages, or any work appertaining thereto, and the same shall not be given or granted to said corporation, or the proprietor or proprietors do not agree with the said corporation as to the amount of damage or compensation which ought to be allowed and paid therefor, or shall not mutually agree on some person or persons to appraise the same, the damages shall be estimated and assessed in the manner following: The said corporation or the owner or owners of said lands may, on giving notice of their intended application and the time and place of making the same, apply, by petition, to the judge of the circuit court in the county in which said lands may lie, or in the absence

Damages.

Legal proceedings.

of said judge from the said county, then to the senior county commissioner of said county, or the county judge of said county, particularly describing in said petition the lands to be appraised; and upon proof that reasonable notice has been given as directed, the said judge, or in case of his absence as aforesaid, the said senior county commissioner shall, on hearing the said petition, appoint three disinterested persons, freeholders and residents of the county in which said lands may be situate, as commissioners, for the purpose of assessing such damages; and the order in which they are appointed shall specify the lands proposed to be appropriated and occupied by said corporation for the purposes aforesaid. The said appraisers, after being duly sworn before an officer legally authorized to administer oaths, honestly and impartially to assess such damages, shall proceed, by viewing said lands, and by such other evidence as the parties may produce before them, to ascertain and assess the damages which each owner will sustain by the appropriation of his land for the purposes aforesaid, over and above the benefit and advantage which said commissioners shall adjudge will accrue to such owner or owners by the construction of the said railroad. The said appraisers shall make report, in writing, to the said judge of the circuit court, reciting the order of their appointment, and specifying the several parcels of land described therein, the names of the owner or owners of respective parcels, if known, and, if not known, stating that fact, and specifying also the damages which the owner of the respective parcels will sustain by reason of the appropriations of the same for the purposes aforesaid; which said report shall be filed in the office of the clerk of the circuit court of the county in which said land may lie. In case either of the parties is dissatisfied with said assessment, the said judge may, at the next term of the circuit court in said county, on hearing the parties in interest, or if both should not appear, on proof of notice being given to the opposite party, modify the said amendment as to him shall appear just. At the said term of the circuit court holden next after the filing of said report, as aforesaid, a record shall be made of the said report, with the order of the said court thereon, accepting or modifying the same. On the payment of the damages, if any, thus issued, and the expenses of the assessment, the said corporation shall immediately become seized and possessed of the said land and property and entitled to the use of the same for the purposes aforesaid.

§ 8. When the lands or other property or estate of any married woman, infant or person *non compos mentis*, shall be necessary for the construction of the said railroad or its appendages, the husband of such married woman or the

Damage to land of infants, &c., how ascertained.

guardian of such infant or person *non compos mentis*, may release all damages in relation to the land, property or estate to be taken and appropriated as aforesaid, as fully as they might do if the same were holden in their own rights, respectively, or the husband or guardian of any such person whose property shall be taken as aforesaid, may appear and act for and in their behalf in obtaining an assessment of the damages to same under this act. And in case any such infant or person *non compos mentis*, whose property may be taken as aforesaid, shall be without guardian, the judge of the circuit court or the commissioners shall have power to appoint a guardian *ad litem*, to act in behalf of such person.

Intersections.

§ 9. Whenever it shall be necessary under this act of corporation for the construction of a single or double track railroad, as herein authorized, to intersect or cross any stream of water, or any public road or highway, it shall be lawful for the said corporation to construct across or upon the same, provided the said corporation shall restore such stream or water course, or public road or highway, thus intersected, to its former state, or in a sufficient manner not to materially impair its usefulness.

Penalty.

§ 10. If any person shall wilfully or negligently do or cause to be done any act or acts whatever, whereby the said road or any building, construction or work of said corporation, or any engine or machine, or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, weakened or impaired, injured or destroyed, the person or persons so offending shall forfeit and pay to the said corporation treble the amount of damages sustained by reason of such offence, to be recovered, with costs of suit, in the name of said corporation, by action of debt; and such offender or offenders shall also be deemed guilty of a misdemeanor, and shall be subject to indictment and punishment as in other cases.

Loans.

§ 11. For the purpose of facility in the construction of the railroad authorized by this act, the said corporation is and shall be permitted to negotiate a loan or loans of money, to the amount of its capital stock, and pledge all its property, real and personal, and all its rights, credits and franchises, for the payment thereof.

Repairs.

§ 12. It shall be the duty of the corporation hereby created, when the railroad contemplated by this act shall have been completed, to keep and maintain the same in good condition and repair, and whenever, from any cause whatever, the same shall become injured or out of repair, the said corporation shall immediately proceed to repair the same, under the penalty of a forfeiture of the amount of all damages caused by such want of repair in said road.

§ 13. This act shall be deemed and considered a public act, and shall be favorably and justly construed for all purposes therein expressed and declared in all courts and places whatsoever. Construction.

§ 14. The railroad contemplated herein to be completed within ten years from the passage of this act.

APPROVED February 17, 1851.

AN ACT to incorporate the Frederick Ferry, Dyke and Plank Road Company. In force Feb. 17, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That George Little, Charles Farwell, their associates, assigns and successors, shall be and they are hereby chartered and constituted a body corporate, by the name of the "Frederick Ferry, Dyke and Plank Road company," have succession, be capable of suing and being sued in all courts, be capable of contracting and being contracted with, of purchasing, selling, holding and conveying estate, both real and personal, as necessary and convenient to enable them to establish a ferry across the Illinois river, at Frederickville, in this state, and to build dykes, bridges and plank roads across the overflowed bottoms of the Illinois river at said place, and to carry out the privileges and franchises granted, with power to make by-laws, rules and regulations for the management of its property, the stock of the said company, and to regulate its affairs. Corporation.
Style.
Powers.

§ 2. The stock of said company shall be twenty thousand dollars, in shares of fifty dollars each, which is declared to be personal property, transferable by assignment. When the capital arising from said stock is invested and expended in the objects of said charter, the stock of said company may be from time to time increased, in amounts of five thousand dollars, as required in the completion of said works, but such stock shall not be increased beyond the sum of seventy-five thousand dollars. Stock.
Increase.

§ 3. The said corporation shall at all reasonable times run across said river a good, substantial and safe ferry boat, and give safe and speedy passage to all persons wishing to cross, with any and all kinds of stock, teams, carriages and property, such as is usual to be ferried, and shall have a right to demand and receive from any and every person and thing crossed the rates of toll established for crossing the Illinois river at Beardstown, and be governed in the management of said ferry by the provisions of the act entitled "An act to provide for the establishment of ferries," Boats.
Tolls.

toll-bridges and turnpike roads," approved February 12, 1827.

Use of state
road.

§ 4. The said corporation, in the construction of their dykes, bridges and plank roads, shall and may have the use of the state road across said river bottoms, between the highlands of the Illinois river, at said point; and when such dykes, bridges and plank roads shall be by them constructed, so as to make the crossing of the bottom on either side of the river at all times safe, easy and permanent, they may establish toll-gates thereon, and take such tolls from persons passing, and from all teams, carriages and stock passing thereon, as the county court of Schuyler county shall from time to time rate equal to tolls charged on other roads of like character in this state, in proportion to the cost of the investment on such roads respectively.

Increase of
stock.

§ 5. When said corporation shall have constructed said road safe for passage across the overflowed lands of said river, on either side thereof, they are authorized to extend their capital, as in the second section mentioned, and extend their plank road west to Rushville, and east to Virginia; and in the construction of said roads, or either of them, shall or may use for said purposes the state road between said points, and shall have the right of way over all lands on which said road shall be located, and shall be liable to the owner or owners thereof for any damages that may be sustained to private property by reason of the location of and opening said roads; which damages shall be assessed in the same manner that damages are now assessed in similar cases. In the event of said company constructing said plank road from the river to Rushville, within three years, they then shall be authorized to extend said road from Rushville to Macomb, and increase their capital stock to the full sum of fifty thousand dollars.

Forfeiture of
charter.

§ 6. Whenever the said corporation shall manifestly fail or neglect to comply with the provisions of this act, a reasonable allowance being made for high water and scarcity of labor, the circuit court of Schuyler county, on a full investigation of the facts and evidence adduced, and in view of the justice of the case, may declare this charter null and void.

Penalty.

§ 8. If any person or persons shall wilfully do or cause to be done any act or acts whatever, whereby any boat, bridge, embankment, road, gate, building, construction, or work of said corporation shall be obstructed, impaired, weakened, injured or destroyed, the person or persons so offending shall, on conviction thereof, forfeit and pay to said corporation treble the amount of damages sustained by means of such injury, to be recovered, in the name of said corporation, in any court of this state having jurisdiction, with costs of suit. And nothing herein, in consequence of

a recovery therefor, shall be a bar to the punishment of the offenders under the criminal laws of said state.

§ 8. This act is declared to be a public act, and is to be construed liberally to promote and carry out the objects herein intended.

APPROVED Feb. 17, 1851.

AN ACT for the relief of the American Bottom Plank Road Company.

In force February 17, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the county court of Madison county, Illinois, is hereby authorized to allow the American Bottom Plank Road company to charge, receive and collect tolls, in accordance with the provisions of an act entitled "An act to provide for the construction of plank roads by a general law," approved February 12, 1849, as to the rate per mile, upon such parts and portions of the road leading from Venice, in Madison county, to Henry Peters' as may have been completed and put in travelling order, without regard to the distance or length of such finished parts. Tolls.

§ 2. The said company shall have the power to sue for and recover, in any court having jurisdiction of the same, any sum or sums of money, or instalments thereof, which may be subscribed as stock in said road or any of its branches, in addition to the penalties provided by law, upon giving such notice of the intention of the company to require payment of the instalments as the said company may prescribe. Suits to collect subscriptions.

§ 3. The said company shall have an extension of time within which to complete said road and branches, one to the town of Edwardsville, and the other to the town of Troy, in Madison county, Illinois, of seven years from the date of this act. Extension of time.

§ 4. The said county court and said company shall have the power to make any arrangement they shall think proper, respecting the time and manner in which said company shall put in traveling condition the county road which shall become necessary, by reason of the occupation by the company of the road previously used as a county or state road. County road.

§ 5. The said county court is hereby authorized to vacate any portion of the road now or formerly used as shall become unserviceable by reason of the change of the location of said road, growing out of the change of the location of said plank road, without any petition or other proceeding therefor. Vacation of road authorized.

APPROVED Feb. 17, 1851.

In
force Febru-
ry 17, 1851.

AN ACT to vacate parts of certain streets in the town of Joliet.

Vacation.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That so much of Allen street and Des Plaines street as pass over or lie upon a certain mound, occupying the adjacent corners of blocks thirty-nine (39,) forty (40,) forty-three (43) and forty-four (44) in school section addition to the town of Joliet, from the foot of said mound, on each side, together with so much of School street as lies between blocks fifty-six (56) and fifty-seven (57,) in said school section addition to Joliet, be and the same are hereby vacated; and the parts of said streets vacated shall belong to and the title of them is hereby vested in the owners of the adjoining lots.

This act to take effect and be in force from and after its passage.

APPROVED Feb. 17, 1851.

In force Feb. 17, 1851. AN ACT supplemental to an act entitled "An act to incorporate the Illinois and Wisconsin Railroad Company."

Loan.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That as soon as the said Illinois and Wisconsin Railroad company shall have organized and subscribed one thousand dollars per mile of said railroad intended to be constructed in this state, that then said company shall be allowed to borrow money at a rate of interest not exceeding ten per cent. per annum.

Route.

§ 2. That said company shall have power to run said road from Algonquin, in McHenry county, to the state line, on the most eligible route, without reference to intermediate points on the line of said road as described in said act to which this is an amendment.

§ 3. This act to be in force from and after its passage.
APPROVED Feb'y 17, 1851.

In force Feb. 17,
1851.

AN ACT to incorporate the Cook County Marine Dry Dock Company.

Corporation.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That David Brown, George S. Bell, Jacob A. Westervelt, Peter Brooks, and Hezron A. Johnson, and all such persons as shall hereafter become associated with them, are hereby created a

corporation, by the name of the "Cook County Marine Dry ^{Style.} Dock company," with power to construct and use a basin of sufficient length, width and depth to conveniently receive, ^{Objects.} hold and accommodate, repair and discharge the largest class of vessels and steamboats employed in the navigation of Lake Michigan, with a floating dock, for the purpose of repairing vessels, and with proper entrances for the more convenient use and greater security of the said basin and dock.

§ 2. The said floating dock shall be of sufficient capacity to dock with ease and convenience said largest class of vessels and steamboats, and shall possess a lifting power of at least three thousand tons. The entrances to said basin shall be secured by guard locks of sufficient strength to protect the said basin and all property deposited therein from overflows and from injury by floods. ^{Capacity of dock.}

§ 3. The said corporation is hereby authorized and empowered to locate, construct, complete, alter, maintain and operate the said basin, with the said proper entrances and guard locks, and the said floating dock, as hereinbefore described, at a convenient point, to be by them selected and surveyed, in the county of Cook, at or near the city of Chicago, and on or near Lake Michigan; and for that purpose may take and hold such real and personal estate, not exceeding in value the sum of five hundred thousand dollars, as may be necessary and proper to carry into full effect the object of this act. ^{Location.} ^{Property.}

§ 4. The capital stock of said corporation shall be five hundred thousand dollars, divided into shares of one hundred dollars each; and the same shall not commence its operation until two hundred and fifty thousand dollars of the stock aforesaid shall have been subscribed, and forty per cent. on said stock so subscribed shall have been actually paid in, to and for the use of the said corporation. ^{Capital stock.}

§ 5. All the corporate powers of said company shall be vested in and exercised by a board of not less than five directors, and such officers and agents as they shall appoint. Said directors shall be chosen annually, on the first Monday in June, by vote of the stockholders, each share having one vote, to be given in person or by proxy, and shall continue in office until their successors are chosen and qualified. ^{Directors.} ^{Election.}

§ 6. The work hereby authorized shall be commenced within six months of the passage of this act, and completed within two years after such commencement. ^{Commencement}

APPROVED Feb. 17, 1851.

In force February 17, 1851. AN ACT supplemental to an act entitled "An act to incorporate the Illinois Central Railroad Company."

Right to cross
Central rail-
road.

Proviso.

Towns.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* Whenever the route of any railroad, now chartered, or hereafter to be chartered in this state, shall intersect or cross the route of the Illinois Central railroad, or either of its branches, the said company, so intersecting or crossing the Central railroad, shall have full power and authority to construct their said road across the route of the said Central railroad, upon the same terms, conditions and restrictions as are prescribed by the eleventh section of the act entitled "An act to incorporate the Illinois Central railroad company:" *Provided,* that the said Central railroad company shall not be permitted, directly or indirectly, to lay out any town on or near the line of their said road in the interior of this state.

§ 2. This act to be in force from and after its passage.
APPROVED Feb. 17, 1851.

In force Feb. 17,
1851.

AN ACT to refund money to Adam Johnson and Wm. McGirr.

Authority of ca-
nal trustee.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the state trustee of the Illinois and Michigan canal be and he is hereby authorized to pay over such amount of canal scrip as was paid by Adam Johnson and Wm. McGirr into the canal fund, the first upon the east half of the south-west quarter of section number seventeen, in township thirty-three north, of range nine west of the third principal meridian; the second upon the west half of the same quarter section as above. The said Johnson and McGirr having received certificates and paid for land where they lived, as they supposed, and having paid taxes upon the same for a number of years, they found that the land they held by the certificates was situated twelve miles south of the land they lived upon: said Johnson and McGirr never having seen said lands.

Surrender of re-
ceipt.

§ 2. Whenever Adam Johnson and Wm. McGirr surrender a full receipt for the above named amount so paid they shall be entitled to receive from the state trustee, as above, the full amount, with interest, that they had paid upon said land.

§ 3. This to take effect from and after its passage.
APPROVED Feb. 17, 1851.

AN ACT to change the name of the town of Harrison.

In force February 17, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the name of the town of Harrison, in the county of Stephenson, *Name changed.* be and the same is hereby changed to Cedarville.

APPROVED Feb. 17, 1851.

AN ACT to vacate a street in the town of Joliet.

In force February 17, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That so much of Michigan street, lying east of blocks thirteen and twelve, *Street vacated.* in east Joliet, extending north to Webster street and south to Clinton street, be and the same is hereby vacated.

APPROVED Feb. 17, 1851.

AN ACT to incorporate the trustees of the Wesleyan Seminary of Peoria.

In force February 17, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Charles Kettelle, David Markley, J. W. Stagdell, J. E. Parks, *Corporation.* Thomas J. Pickett, James Boyce, Milton Bourne, George C. Bestor, James Fergusson, William L. Robinson, Washington Cockle, John Farsnacht, Reuben H. Moffit, Enoch P. Sloane, Schuyler Scrivner, Mathew McReynolds, Joseph C. Frye, Norman H. Purple, John Chandler, Edwin M. Colburn, Francis Mills, Richard L. Hanniman, Joshua P. Hotchkiss and William Hale, and their successors in office, be and they are hereby constituted a body corporate and politic, under the name and style of the "Trustees of the *Style.* Wesleyan Seminary of Peoria," and as such shall have perpetual succession, and may sue and be sued, in their corporate name aforesaid.

§ 2. That the trustees, and their successors in office, *Powers.* shall have and possess all the powers, rights and privileges conferred by chapter 25, division 2, of the Revised Statutes of this state, upon such persons as shall associate themselves together for the purpose of forming an academy or seminary of learning, and shall, moreover, be authorized to purchase and hold, in their corporate capacity, real estate, not exceeding one hundred and sixty acres of land, and other property, not exceeding in value fifty thousand dol-

lars ; and also to receive and hold, in their capacity aforesaid, all such bequests, devises, donations and endowments, as from time to time may be made, given, bequeathed, devised or donated, for the use and benefit of the said seminary.

Powers of trustees.

§ 3. That the trustees shall have power to make all needful rules, regulations and by-laws for the government of the said institution, not inconsistent with the laws and constitution of this state ; and shall also have power, in conjunction with a visiting committee, of ——— persons, to be appointed by the Methodist Conference in which the said seminary may at any time be included, (the presiding elder of the Peoria district, the stationed preacher in the city of Peoria, to constitute a portion of said visiting committee,) at their annual meeting, to elect a board of instruction to fill vacancies in said board.

Term of office.

§ 4. The first six trustees above named shall continue in office one year ; the second six, for two years ; the third six, for three years ; and the fourth six, for four years, from the date of the approval of this act ; and at the expiration of the first year, as aforesaid, six trustees shall be appointed, and thereafter six trustees shall annually be appointed, in manner following, that is to say : the trustees aforesaid, in office at the time of any election or appointment, shall nominate to the Methodist Episcopal Conference in which said seminary may be situated, the trustees whose terms of office are about to expire or may have expired, and the said conference may confirm or reject such nomination ; and in case of rejection additional nominations shall be made until the whole number of vacancies shall be filled.

President.

§ 5. The president of said seminary shall, at all times, be a member of some one of the conferences of the Methodist Episcopal Church.

Restriction.

§ 6. That the trustees or corporation aforesaid shall have no power to sell the property, real or personal, of said corporation, except for the payment of debts and upon the recommendation of the conference within the limits of which the same shall be situated.

Quorum.

§ 7. That any twelve members of the joint board, as mentioned and described in section three of this act, shall constitute a quorum for the transaction of such business as it contemplated in said section of this act, and that any six members of the board of trustees shall constitute a quorum for the transaction of all other necessary business.

Location.

§ 8. That the said seminary shall be located in the city or town of Peoria, Peoria county, Illinois, upon such ground as the trustees above named shall select ; and all the real and personal estate belonging to or to belong to said corporation shall be exempt from taxation for any and all purposes whatever.

Exemption.

APPROVED Feb. 17, 1851.

AN ACT to provide for the instruction of the Peoria and Pekin branch of the Alton In force Febru-
and Sangamon Railroad. ary 17, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That the Alton and Sangamon Railroad company, incorporated by Branch.* an act entitled "An act to construct a railroad from Alton, in Madison county, to Springfield, in Sangamon county," approved February 27th, 1847, be and are hereby authorized to lay out and construct a branch of their said railroad, from the most eligible point in the extension of said Alton and Sangamon railroad from Springfield to Bloomington, through Pekin, in Tazewell county, to Peoria, in Peoria county, and for the purposes of such extension said Alton and Sangamon Railroad company shall be and are hereby declared to possess all the powers and be subject to all the restrictions contained in their original act of incorporation and the acts amendatory of the same.

§ 2. The said Alton and Sangamon Railroad company, Increase of cap-
for the purpose of carrying into effect the provisions of the ital stock.
foregoing section, shall have the power to increase their capital stock, not exceeding five hundred thousand dollars; also, to increase the number of their directors, not exceeding four, in addition to those already provided for.

§ 3. Previous to the commencement of the construction Additional di-
of said branch, there shall be elected two additional directors.
tectors, one of whom shall be a citizen of Pekin, in Tazewell county, and one of whom shall be a citizen of Peoria, in Peoria county.

§ 4. Unless said branch shall be commenced within two Commencement
years and completed within four years from the passage of and complet'n.
this act, or in case the Alton and Sangamon Railroad company fail to commence and complete the construction of the extension of their railroad from Springfield to Bloomington within three years, the powers conferred by this act shall Forfeiture.
become forfeited.

APPROVED February 17, 1851.

AN ACT to incorporate the Whitehall Male and Female Academy and Orphan Insti- In force Febru-
tute. ary 17, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That the Whitehall Male and Female Academy and Orphan Institute Incorporation.*
is hereby incorporated, with power to purchase, sell and convey real estate, in the name of the president and trus- Real estate.
tees of said academy.

Trustees.

§ 2. That Timothy Ladd, Anthony Potts, A. S. Seeley, Wilson J. Drish, John Austin, L. E. Worcester, Rescarick Ayres and M. W. Delahay, are hereby created trustees on behalf and for said academy, to have perpetual succession.

Oath.

§ 3. The trustees mentioned in section second shall, on the first day of April next, enter upon the duties of their said office, after first taking an oath to faithfully and impartially discharge their duty, which oath shall be recorded in a book and preserved by the said trustees; that said trustees shall, when qualified, proceed to elect, by ballot, a president of said board from among said trustees, who shall hold his office of president for twelve months, and be subject to a re-election by said board on the first Monday of April annually.

President.

Officers.

§ 4. That said trustees shall have power to nominate and elect one secretary and one general agent for said institution, and shall fix the compensation of said general agent. Said trustees shall have full power to employ teachers, prescribe text books, and to make such internal rules and regulations, for the government and control of the pupils and teachers of said academy, as they may deem best for the good order and prosperity of said academy.

Vacancies.

§ 5. That should the trustees aforesaid, or any one of them, die, resign or refuse to discharge the duties of his or their office, then and in that case the said trustees, or a majority of said board, shall elect and fill such vacancy or vacancies by ballot as aforesaid; that a majority of said board shall constitute a quorum for the transaction of all business pertaining to the duties of said board.

Loans.

§ 6. The president and trustees shall use a common seal, and they are hereby authorized to borrow money and mortgage the real estate belonging or that may hereafter belong to said academy, for purposes of completing or improving said academy.

§ 7. That the president and trustees aforesaid shall have power, in their corporate name, to sue and be sued, plead and be impleaded, answer and be answered unto, in conformity with the laws of this state.

Exemption
from taxes.

§ 8. That all property, of whatsoever kind and description, belonging or pertaining to said academy, shall be and forever remain free and exempt from all taxes and assessment for state and county purposes.

APPROVED Feb. 17, 1851.

AN ACT to establish a private cemetery for the use of the heirs of Billy Ames' deceased. In force February 17, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the following described piece of land, to wit: beginning at the north-west corner of the west half of the north-east quarter of section numbered thirty-four, in township No. forty-four north, of range No. four east of the third principal meridian, running south seven rods, thence east four rods, thence north seven rods, and thence west to the place of beginning, be and the same is hereby set apart as a private cemetery, for the use of the heirs of Billy Ames, deceased. Cemetery.

§ 2. This act shall be deemed a public act from and after its passage.

The land aforesaid to be exempt from taxes, while the same shall be used for the purposes aforesaid. Exemption.

APPROVED Feb. 17, 1851.

AN ACT to incorporate the Franklin Marine and Fire Insurance Company.

In force February 17, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Cyrus Edwards, Joshua G. Lamb, Simeon Ryder, Sebastian Wise, Nathaniel Hanson, Arby Nelson, Thomas G. Hawley, Samuel A. Buckmaster, Henry W. Billings, Orlean M. Adams, John W. Schweppe and Timothy Souther, and their associates and successors, are hereby declared a body corporate and politic, by the name of the "Franklin Marine and Fire Insurance company," to be established in the city of Alton, county of Madison, and state of Illinois; to have continuance for and during the term of fifty years from and after the passage of this act, for the purpose of making maritime loans and insuring against maritime losses and losses by fire; with power to sue and be sued; plead and be impleaded; to have and use a common seal, which they may alter or revoke at pleasure; and to make and alter, from time to time, such by-laws, not inconsistent with law or the provisions of this act, as they may deem necessary for the government of said corporation; and shall have power to purchase, hold and convey any estate, real or personal, for the use of said company: *Provided*, that said corporation shall not, at any one time hold real estate, exceeding the value of five thousand dollars, except such as may be taken for debt or held as collateral security for money due the said company: *Provided*, that said real estate taken as aforesaid

Corporation.
Style.
Duration.
Objects.
Powers.
Proviso.
Further proviso.

shall be offered at public sale, to the highest bidder, once in five years.

Capital stock.

§ 2. The capital stock of said corporation shall be fifty thousand dollars, exclusive of premium notes and profits arising from business, and shall be divided into shares of one hundred dollars each. The said corporation, as soon as the capital is subscribed and twenty per centum paid in and the remainder secured by note based upon bond and mortgage of improved productive real estate, not exceeding two-thirds its value, or by deed of trust of real estate, in the city of Alton, county of Madison, or by government or state stock, at the discretion of the corporation or directors, which said real estate, or any part thereof, shall be sold on thirty days' notice being given, on default of the payment of the said notes, or any portion thereof, that may from time to time be called in, may commence and carry on their business.

Increase of capital stock.

§ 3. The corporation shall have power to increase the capital stock, at any time hereafter, to an amount not exceeding two hundred thousand dollars, in the same manner as above. Should a majority of the stockholders deem it advisable, and the instalments be called in, as the directors may require, in a notice for the opening the books for subscription for such increased stock, by twenty days' notice in at least one newspaper printed in the city of Alton, and in any other place where such subscription books shall be opened. The said stock shall be deemed personal property, and assignable and transferable on the books of the corporation; but no stockholder indebted to the corporation shall be permitted to make a transfer until such debt be paid or secured to the satisfaction of the directors.

To be deemed personal property.

Subscriptions.

§ 4. The persons named in this act as incorporators, or a majority of them, shall be authorized to open books for the subscription to said capital stock, on such days and at such places as they shall deem expedient, and shall give at least thirty days' notice of such time and places, in one or more newspapers published at each of said places. The books shall be kept open until the whole of the stock shall have been taken and one dollar on each share subscribed for shall be paid to the said corporation, at the time of making such subscription; and as soon as said stock shall be subscribed the said corporation, or a majority of them, shall give at least thirty days' notice of the time and place to the stockholders, in a newspaper printed in Alton, for a meeting of the stockholders to elect seven directors, one of whom shall be president, to manage and conduct the affairs and concerns of the corporation, who shall hold their offices until the day hereinafter fixed for the annual election, and until others are chosen in their places, and no longer, and who shall at the time of their election be citizens of this state

Directors.

Qualifications.

and holders, respectively, of not less than ten shares of the capital stock of said company. Said election shall be held under the inspection of three stockholders, to be appointed by the stockholders present, and shall be made by ballot, by a plurality of the stockholders present, allowing one vote for every share: *Provided*, that no stockholder shall be allowed more than twenty votes, and that no stockholder shall vote unless the stock has been transferred on the books to him, at least twenty days before any election, and that absent stockholders shall vote by proxy. And the voting powers of the members shall be determined five days before any election; and as soon as said election has been held and a board of directors chosen, the said corporators shall deliver over to the said board of directors said subscription books, and shall pay over to said board the whole amount of money severally received by them.

§ 5. After the first election, as above, all elections for directors for said company shall be held on the first Monday in December of each and every year, at such time of the day, and in such place in the city of Alton, as a majority of the directors for the time being shall appoint; of which election public notice shall be given by publication, for at least ten days, in a newspaper printed in said city. And said election shall be made as in section four above, but under the inspection of the secretary of the company; and in case of failure to elect on that day, it shall be lawful to choose them on any other day, in manner herein provided; and it shall be the duty of the secretary of said company, at any time, upon application in writing of the proprietors of twenty per centum of the capital stock, to call a meeting of the stockholders, to be holden at such time and place, in the city of Alton, as they shall direct, for the purpose mentioned in such application, by giving notice thereof as is herein required for the election of directors.

§ 6. The directors, when chosen, shall meet as soon as may be after every election, and shall choose out of their own body a president, who shall be sworn or affirmed faithfully to discharge the duties of said office, and shall preside for one year; and in case of the death, resignation or inability to serve of the president or any director, such vacancy may be filled for the remainder of the year in which they happen by a special election for that purpose, to be held in the same manner as hereinbefore directed respecting annual elections of directors.

§ 7. The president and four directors, or five directors in the absence of the president, shall form a quorum to transact business, and all questions shall be decided by a majority of votes. They shall have power to appoint a secretary, and as many other officers and servants as may to the said board seem meet, and to fix the salaries for all.

Payment of sub-
scriptions.

§ 8. It shall be lawful for the president and directors to require payment of the sum subscribed to the capital stock, at such time, on such condition, and in such proportions, as they shall deem fit, under such forfeiture as they shall prescribe; and they shall give notice of the payment thus required, and of the time and place when and where the same are to be made, at least sixty days previous to the time specified for such payment, in some newspaper in each of the places where the books of the company may have been opened for subscription of the capital stock.

Authority of
corporation.

§ 9. The said corporation shall have power and authority to make all kinds of insurance against fire, flood, or other destructive elements, on vessels, freight, money, goods and effects, upon the ocean, rivers, lakes and canals, in the United States and territories; also, all kinds of insurance upon the inland transportation of goods or property, of any description, by land or water, and on any dwellings, houses or other buildings, merchandise or other property, within the United States; and generally to do and perform all matters and things relative to such objects, and to fix the premium and terms of payment. And all policies of insurance by them made shall be subscribed by the president, or, in his absence, by two directors, and countersigned and sealed by the secretary of said company, and shall be binding and obligatory upon said company. And any losses thereby, duly arising under any policy so subscribed and sealed, may be adjusted and settled by the president and board of directors, and the same shall be binding on said company.

Restriction.

§ 10. It shall not be lawful for said company to deal, directly or indirectly, in any kind of goods, wares, or merchandise, whatsoever; but it shall be lawful for the said corporation, for the purpose of investing any part of their capital stock, funds or money therein, to purchase and hold any stock or funded debt whatsoever, created or to be created by or under any act of the United States or any particular state, and also to sell and transfer the same and again invest the same, or any part thereof, in such stock or funds, whenever and as often as the exigencies of the said corporation or a due regard to the safety of its funds shall require; and also to make loans on bond and mortgage, bottomry and respondentia, on any personal security, at the discretion of the directors, and the same to call in and reloan on like security, as occasion may require; and to receive money on deposit, allow interest, and give certificates therefor: *Provided, however,* that nothing in this act contained shall be construed to confer on said corporation any banking power or privilege whatever.

Proviso.

Dividends.

§ 11. It shall be the duty of the directors of said company, at such time as the by-laws thereof prescribe, to make dividends of so much of the interest arising from the

capital stock and the profits of said company as to them shall appear advisable; but the money received and notes taken for premium of risk, which shall be undetermined and outstanding at the time of making such dividend, shall not be considered as a part of the profit of said company; and all dividend, at the option of the directors, shall be applied, respectively, on the stock notes, until they are extinguished and fully paid.

§ 12. It shall be the duty of the president and secretary, at least thirty days previous to the annual election of directors, to prepare and insert in a book, to be provided for that purpose, a full and true statement of the funds, property and securities of said corporation, showing the amount on real estate in bonds and mortgages, in bottomry and respondentia, in notes and other securities, in public debt, in other stock, and the amount of debts due to and from the said corporation; which statement shall be certified by the president and secretary, and shall be opened to the inspection of any stockholder of said corporation, during the usual hours of business, in the office thereof, until the day of election. Statement.

§ 13. It shall not be lawful for the said corporation to commence business under this act until the president and secretary of said corporation shall have made a deposition in writing, and filed the same in the office of the clerk of the county court of Madison county, that the capital stock of said company has been paid in or secured according to the provisions of this act. Restriction.

§ 14. The president and directors of said company shall, previous to the subscribing to any policy, and once in every year, publish in one newspaper printed in Alton, the amount of their capital stock, against what risks they mean to insure, and the largest sum they mean to take in any risk. Publication.

§ 15. The president and directors of said company shall, when and as often as requested by the legislature of the state, lay before them a statement of the affairs of said company, and submit to an examination concerning the same, under oath. Report to legislature.

§ 16. This act is hereby declared a public act, and shall take effect from and after its passage, and shall be liberally construed for every purpose herein contained. Construction of act.

APPROVED Feb. 17, 1851.

In force February 17, 1851.

AN ACT to incorporate the Wood River Coal Mining Company.

- SECTION 1.** *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Charles B. Sawyer, Walter Bryant, Stephen M. Allen, James Tolman, and Thomas Page, and such other persons as may associate with them for the purposes specified in this act, be and they are hereby constituted a body corporate, by the name of the "Wood River Coal Mining company," for the purpose of mining and transporting stone coal, in the county of Madison, in this state, to the Mississippi river; and by that name they and their successors shall have succession, and shall in law be capable of suing and being sued, plead and be impleaded, in all courts and places whatsoever may have a common seal, and alter the same at pleasure may purchase and hold real estate, for the uses and purposes of said incorporation, and sell and convey the same at pleasure: *Provided*, that said corporation shall not hold any time more than twelve hundred acres of land.
- § 2.** The said company shall have power to lay out and construct, upon the most suitable route, from their coal mines, in Madison county, in this state, a plank or railroad at a point not more than one mile from the mouth of Wood river to the Mississippi river, and for that purpose may take and cause to be condemned, for the use of such plank or railroad, a strip of land, not exceeding one hundred feet in width, the whole length of the said plank or railroad: *Provided*, that the said company shall make compensation for the land taken or required for said plank or railroad, to the owners of such land, in the manner now provided by law for the opening or widening roads in this state; and the said corporation shall have power to erect one or more foundries for manufacturing purposes.
- § 3.** The capital stock of said company shall be fifty thousand dollars (\$50,000,) in shares of one hundred dollars (\$100) each, to be subscribed for in the manner provided by this act; which capital may be increased to two hundred thousand dollars (\$200,000,) at the pleasure of said company; and as soon as one half of the capital stock of said company is subscribed, the stockholders of said company may choose directors and transact and conduct the business for which this incorporation is granted.
- § 4.** Three commissioners, to wit: Charles B. Sawyer, George T. Brown, and Lansing S. Wells, or a majority of them, are hereby authorized to open books of subscription to the stock of said company; and before the books are opened they shall give thirty days' notice, in some newspaper printed in Madison county, of the time and place that said subscriptions will be opened, and they shall be kept open one day.

§ 5. As soon as one half of the capital stock of said ^{Directors.} company is subscribed, the stockholders may elect five (5) directors, to manage and transact the business and affairs of said company; and at such election each stockholder shall be entitled to one vote for each share of stock held by him or her: *Provided*, that the commissioners, or a ma- ^{Proviso.} jority of them, named in this act, shall first give thirty days' notice, in some newspaper printed in Madison county, of the time and place of holding such election.

§ 6. The directors of said company, elected in pursu- ^{Power of direc-} ance of this act, shall have power and authority to make all needful rules, regulations and by-laws for the manage- ^{tors.} ment and control of the business contemplated by this act, and also for the purpose of carrying into effect all the powers and privileges granted to said company by this act: *Provided*, such rules, regulations and by-laws are not in- ^{Proviso.} consistent with the constitution or laws of this state.

§ 7. Nothing herein contained shall authorize said com- ^{Restriction.} pany to require of any railroad company now incorporated any compensation for damages done by crossing the track of the road to be constructed under provisions of this act.

§ 8. This act to take effect from and after its passage.

APPROVED February 17, 1851.

AN ACT to vacate certain town lots in the town of Princeton, Bureau county. In force February 17, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That* lots ^{Lots vacated.} numbered one, twenty-three, twenty-four, twenty-five and twenty-six, and the east half of lots ninety-three, ninety-four, ninety-five and ninety-six; also the north-east quarter and the south-west quarter of lot ninety-seven, in the original plat of the town of Princeton; also lots number two, three, four and six, in Mercer's addition to the town of Princeton, all of said lots and parts of lots lying and being in said town of Princeton, in Bureau county, be and the same are hereby vacated.

This act to take effect from and after its passage.

APPROVED February 17, 1851.

In force February 17, 1851. AN ACT to incorporate the German General Beneficial Association of the city and vicinity of Quincy.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That* William N. Ott, Francis Roth, Blasins Miller, Theodore Terwiesche, Gottfry Schmith and Robert Voeth, their associates and successors, be declared and constituted a body corporate and politic, by the name of the "German General Beneficial Association of the city and vicinity of Quincy, Adams county, Illinois," and by that name they and their successors shall and may have succession, and in such corporate name shall be capable in law of contracting and being contracted with, suing and sued, pleading and being impleaded, answering and being answered, defending and being defended, in all courts and places of justice whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and have a common seal and alter or change the same at pleasure; and they and their successors shall be capable of purchasing, holding and improving any estate, real or personal, not exceeding the value of twenty thousand dollars, for the use of and for the objects contemplated by said society.

§ 2. All contracts which may be made or entered into by said association shall be subscribed by the president, treasurer and secretary thereof, who shall be deemed and considered as the agents of said association for that purpose, which contract, when authorized by the president and standing committee of said association, shall be good and binding in law upon said society, and not otherwise; and to the end that said authority shall more effectually appear, the said president and standing committee shall keep a separate record of their doings in relation to all contracts made and entered into; which record shall be deemed and taken as evidence in all courts and places of justice of such authority.

§ 3. The personal effects belonging to said association shall not be appropriated otherwise than to the improvement of the real estate hereby authorized to be held, and to such benevolent purposes as shall be contemplated by its constitution; which appropriations shall be made under the direction of the president and standing committee of said society.

APPROVED Feb. 17, 1851.

AN ACT to amend an act entitled "An act to establish a ferry at Chester, in the county of Randolph, on the Mississippi river." In force February 17, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the act approved the seventeenth day of January, one thousand eight hundred and forty-nine, entitled "An act to establish a ferry at Chester, in the county of Randolph, on the Mississippi river," shall be and the same is hereby so amended as to authorize the owner or owners of said ferry to keep, in lieu of a steam ferry-boat, a good and sufficient ferry flat or horse ferry-boat, for nine months in the year, namely—from the first day of December to the first day of September: *Amendment.* *Provided,* that they shall agree to the establishment of a ferry, by county or state authority, from the town of Menard, below Chester, on the Mississippi river, to the Missouri shore, opposite said town, and file a copy thereof with the clerk of the Randolph county court, which shall be evidence of such agreement in all courts whatever. *Proviso.*

§ 2. If the owner or owners of said ferry shall keep and have in readiness, at all reasonable times, between the first day of December and the first day of September, a substantial ferry flat or horse ferry-boat, conducted by skillful and careful persons, so as to ensure a safe and speedy passage at said ferry for all persons and their property, and shall keep, as heretofore, a good, substantial steam ferry-boat, for the other three months in the year, namely—from the first day of September to the first day of December, it shall be deemed a legal compliance with the act to which this is an amendment. *Boats.*

APPROVED Feb. 17, 1851.

AN ACT to exempt Walnut Hill Cemetery from taxation and execution.

In force February 17, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That all lots in Walnut Hill Cemetery, in St. Clair county, shall forever be exempt from all taxes, and shall not be subject to execution or attachment. *Exemption.*

§ 2. That no other cemetery within ten miles of said Walnut Hill Cemetery shall be so exempt as provided for in the first section of this act. *Exclusive privilege.*

APPROVED Feb. 17, 1851.

In force February 17, 1851.

AN ACT for the relief of E. B. Rose and others.

Release.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the principal and securities on the bond of Ethel B. Rose to this state, executed on the receipt of certain public arms for the use of an independent company of riflemen commanded by said Rose, be released and discharged from the same, said arms having been withdrawn from said company by the volunteers under command of Maj. Warren, while on duty in Hancock county, by order of the governor, in the year A. D. one thousand eight hundred and forty-five.

Reservation.

§ 2. Nothing in this act shall have effect to discharge said principal and securities from their liability on said bond whenever it shall be made to appear that any of said arms were lost, injured or destroyed by the voluntary or intentional act of said officers, or any members of the company to whom they were delivered.

APPROVED February 17, 1851.

In force Feb. 17, 1851. AN ACT to establish a toll-bridge across the Little Wabash river, at the town of New Massillon, in Wayne county, Illinois.

Toll-bridge.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Wiley Webb be and he is hereby allowed to establish and keep a toll-bridge across the Little Wabash river, at the town of New Massillon, in the county of Wayne, Illinois, with such charges or rates of toll as may be allowed by the county court within and for said county: *Provided*, that nothing herein contained shall be so construed as to extend the right of keeping said toll-bridge more than ten years.

Tolls.

Proviso.

Completion of bridge.

§ 2. And the said Wiley Webb may and he is hereby authorized to complete and protect the bridge at the place aforesaid constructed by him during the year one thousand eight hundred and fifty, and use and keep the same as such toll-bridge under the rules and regulations of the county court aforesaid.

§ 3. This act shall take effect from and after its passage.

APPROVED February 17, 1851.

AN ACT to incorporate the Clarion Cemetery Association.

In force February 17, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That James P. Ames, William A. Miller and William Crass, and their associates, in the town of Clarion, in the county of Bureau, and their successors, be and they are hereby constituted a body corporate and politic, by the name and style of the "Clarion Cemetery Association," and by that name have perpetual succession, and shall have, possess and be invested with all powers, rights, privileges, liabilities and immunities incident to a corporate body.* Corporation.
Style.
Powers.

§ 2. Said association shall have power to own and possess real estate not exceeding ten acres, which shall be exempted from taxation.

§ 3. The object of said association shall be exclusively and solely to lay out, enclose and ornament a plat or piece of ground, not exceeding ten acres as aforesaid, to be used as a burial place for the dead. Object.

§ 4. Said association shall have power to lay out the burial place into lots of suitable size for family burial departments, and sell the same, the purchasers of which shall use the said lot or lots as herein contemplated, and for no other purpose whatever.

§ 5. The proceeds arising from such sale, after deducting all the expenses of purchasing and laying out lots, shall be appropriated and used in improving and ornamenting the burial ground, or in other objects connected with this incorporation. Application of funds.

§ 6. The officers of this association shall be a president, a treasurer, who shall also act as secretary, a superintendent, and two directors, who shall be chosen annually by ballot, and shall hold their office until their successors are chosen; any neglect to choose officers on the day fixed upon by said officers, shall not operate as a forfeiture of this act of incorporation. Officers.
Elections.

§ 7. Every person holding one or more lots shall be a member, and entitled to one vote only; absent members shall have power to vote by proxy.

§ 8. The rights of property to any lot or lots which may be purchased, shall be vested by a certificate of stock, signed by the president, and countersigned by the superintendent, and shall be recorded in a book to be kept by the secretary for that purpose; and every transfer or assignment of such secretary, and cancelled or otherwise destroyed and a new one issued to such transferee or assignee.*

§ 9. It shall be the duty of the secretary, on the order of the president or any two directors, to call a meeting of the members for the choice of officers, or for the transac- Meetings.

*The last clause of this sentence was thus obscure in the enrolled law.—Pa.

tion of any other kind of business which this act authorizes, by giving five days' public notice.

By-laws.

§ 10. The said corporation shall have power to establish and change by-laws and prescribe rules and regulations for their government and the direction of their officers, prescribe their duties, and the management of its property and affairs.

Personal liability.

§ 11. The private property of the stockholders shall be liable for all debts created by said corporation.

This act to be in force from and after its passage.

APPROVED Feb. 17, 1851.

In force February 17, 1851.

AN ACT to change the names of certain persons therein named.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That the name of Elizabeth M. Welters, of Du Page county, state of Illinois, be and the same is hereby changed to that of Elizabeth M. Grose, and that from and after the passage of this act said person shall be known and designated by the name last aforesaid, and by such name shall hold, retain and enjoy all the rights and privileges that she might or could have enjoyed had her name not have been changed as aforesaid.*

Name changed.

§ 2. *Be it further enacted, That the name of Elizabeth Dennis be changed to that of Elizabeth Curry.*

§ 3. This act to be in force from and after its passage.

APPROVED Feb. 17, 1851.

In force February 17, 1851.

AN ACT for the relief of Andrew Miller.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That the auditor of the state is hereby requested to draw his warrant in favor of Andrew Miller, late sheriff of Madison county, Illinois, for such sum, not exceeding fifty dollars, as may be found to be due to him whenever the certificate of the governor of this state is produced to said auditor, showing the amount due to said Miller for services rendered, under the direction of the governor, in preventing the violation of an injunction issued by the judge of the second judicial circuit to restrain the erection of certain works in*

Request to auditor.

Payment for services.

the Mississippi river, in said county of Madison, opposite the city of St. Louis; which warrant when paid shall be in full satisfaction of said Miller's claims against this state, for his services on that occasion.

This act to be in force from and after its passage.

APPROVED Feb. 17, 1851.

AN ACT to incorporate the Okaw Bottom Plank Road Company.

In force February 17, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Benjamin W. Thompson, James W. Berry, George W. Haley, Akins Evans, Frederick T. Krafft, William T. Brown, and Samuel McKittrick, and their successors, be and they are hereby constituted a body corporate and politic, to have perpetual succession and existence, to be known as the Okaw Bottom Plank Road company, and by that name and style may contract and be contracted with, sue and be sued, plead and be impleaded as a natural person, and shall be so recognized in courts of law and equity, and have a common seal, alter the same at pleasure, and they shall have power, in their corporate name for the use of said corporation, to purchase and hold such real estate as may be necessary for the free enjoyment of all privileges herein granted. Said company shall have all the powers and be subject to all the restrictions contained in an act entitled "An act to provide for the construction of plank roads by general law," in force April 13, 1849, and the acts amendatory of the same, for the purpose of constructing a plank road from the town of Vandalia, in Fayette county, eastwardly, over the Okaw bottom, to such point as may be designated by said company.

§ 2. The capital stock of said company shall not exceed twenty thousand dollars; and said company are hereby authorized to acquire right of way necessary for the construction of said plank road, in accordance with the general law concerning plank roads; also, to have and enjoy right of way for their said road over the National road laid out upon the line of said proposed plank road, not exceeding the width of said road; and when one or more miles of said plank road is completed said company may erect gates and receive tolls, not charging a higher rate than is provided by the general law concerning plank roads.

§ 3. This act to take effect and be in force from and after its passage.

APPROVED February 17, 1851.

In force February 17, 1851.

AN ACT to incorporate the Southern Illinois Railroad Company.

Corporation.

Style.

Objects.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Joseph Williamson, John Campbell, Seth Allen, James H. Jones, Joseph B. Holmes, John O'Neil, F. Swanwick, W. Roseborough, John R. Shannon, Joseph Farman, John A. Wilson, Andrew Borders, Arch'd McDill, Gabriel Jones, John D. Wood, George Hoke, E. C. Coffee, Z. H. Vernor, Wm. Phillips, G. W. Pace, John Cunningham, T. B. Lester, Charles W. Jennings, John S. Martin, T. Elston and D. W. Allman, and their associates and assigns and successors, are hereby created a body corporate and politic, under the name and style of the "Southern Illinois Railroad company," for the purpose of locating, constructing, completing and operating a railroad, commencing at Chester, on the Mississippi river, thence to Sparta, in Randolph county, and Nashville, in Washington county, to Salem, in Marion county, in such manner as they shall deem most expedient, in order to intersect with any other railroad, whenever the said persons and their associates shall organize a company in full compliance with the provisions of an act entitled "An act to provide for a general system of railroad improvements," approved November fifth (5,) in the year of our Lord one thousand eight hundred and forty-nine.

§ 2. This act to be in force from and after its passage.
APPROVED Feb. 17, 1851.

In force February 17, 1851.

AN ACT to incorporate the Shawneetown and Equality Plank Road Company.

Corporation.

Duration.

Style.

Powers.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That all such persons as shall become stockholders agreeably to the provisions of this act in the corporation hereby created, shall be, and for the term of twenty years from and after the passage of this act shall continue to be, a body politic and corporate, under the name and style of the "Shawneetown and Equality Plank Road company," and by that name shall have succession for the term of twenty years, may sue and be sued, plead and be impleaded, answer and be answered unto, in any court of law or equity; may make and use a common seal, alter the same at pleasure; may make by-laws, rules and regulations for the management of their property, regulation of their affairs, and for the transfer of their stock, not inconsistent with the constitution and laws of the United States or of this state.

§ 2. Said corporation shall have power to construct, ^{Objects.} maintain and continue a plank road, of such width as they may deem advisable, by the directors of said corporation, from the said town of Shawneetown, in Gallatin county, to the town of Equality, in said county of Gallatin.

§ 3. The capital stock of said company may be twenty ^{Capital stock.} thousand dollars, which shall be considered personal property, and divided into shares of fifty dollars each.

§ 4. That Michael K. Lawler, John D. Richeson, John ^{Commissioners.} T. Jones, Samuel Elder, J. M. Gaston and Joseph E. Watkins, or a majority of them, shall be commissioners for receiving subscriptions to the stock of said company; when and where and after such notice as they or a majority of them shall agree, they may require security for the payment of subscription thereto, and partial payment thereof from time to time, as they may deem necessary, before the same shall all be taken.

§ 5. The affairs of said company shall be managed by ^{Directors.} three directors, two of whom shall be a quorum to do and perform the business of said company, who shall be chosen as soon as the sum of six thousand dollars shall be subscribed of the stock of said company. Directors shall continue in office one year, and until their successors shall be qualified. They shall be chosen by the stockholders, each of whom may vote personally or by proxy, casting as many votes as each may own shares of stock. Elections of directors shall be held at the time and place appointed by the commissioners, and all subsequent elections may be held and regulated according to the by-laws of the company.

§ 6. Upon the election of directors and organization of ^{Delivery of moneys, &c., to directors.} their board, the said commissioners shall deliver to said directors all moneys received by them on subscription to stock and books of subscription and other property of said company.

§ 7. The said corporation is authorized, as soon as the ^{Toll-gates.} board of directors are elected, to commence the construction of said road, and as soon as any three miles thereof shall be completed may erect toll-gates thereon, and collect the toll allowed by this act. Said company shall keep ^{Tolls.} said road in repair, and said corporation shall have power to construct bridges and causeways over any streams or ^{Repairs.} sloughs any where upon the route of said road they may deem necessary; and said company may have power to borrow not exceeding ten thousand dollars to aid in constructing the same.

§ 8. The said corporation may connect, in passing over the north fork of the Saline river, with the public bridge over the same, but shall not charge or receive toll for the use thereof. The said stockholders shall be individually

Individual liability. liable for the debts of said company contracted by the directors thereof. The county court of the county of Gallatin may, by an order entered of record, authorize said company to plank, not exceeding twelve feet wide, any part of the public highways between said Shawneetown and Equality, and to grade and keep the same in repair for the use of said company.

Regulation of tolls. § 9. The said company shall have power to fix and regulate the tolls to be charged and paid for passing on said road, and it shall be lawful for any toll-gatherer to stop and detain any person going on said road until the toll properly chargeable shall be paid, and any person who shall use said road and refuse to pay said toll shall forfeit and pay for such refusal the sum of three dollars, to be collected by said corporation by action of debt, before any justices of the peace of the proper county.

Time. § 10. The said corporation shall be allowed fifteen months from the passage of this act to commence the construction of said road, and shall complete the same from Shawneetown to Equality in three years, and upon failure to do this this charter is forfeited.

Right of way. § 11. The said corporation is hereby authorized to locate and construct said plank road over any lands owned by this state or by individuals on the route of said road. Said company shall pay all damages that may arise or accrue to any person or persons by means of taking their lands, timber, rock, stone or gravel, for the use of the said road; and when the same cannot be obtained by consent of owners, upon reasonable terms, it shall be estimated and recovered in the manner provided by law for the recovery of damages happening by the laying out of highways.

Embankments, bridges, &c. § 12. The said company are authorized to construct so much of said road, commencing at Shawneetown and running towards Equality, as passes over land subject to overflow and inundation, by throwing up the same to such a height as to be above high water mark, bridging the same or using any other means in the construction of said road over such overflowed land so that the travel on the same will not be, at any season of the year, obstructed by high water or inundation; and for this purpose may use earth, timber, stone and other materials along the line of said road, in accordance with the provisions of section 11 of this act.

Extension. § 13. The said company are authorized to extend said plank road from Equality, in Gallatin county, to Marion, in Williamson county, and for this purpose are vested with all the rights and privileges conferred upon them for the purpose of constructing said Shawneetown and Equality plank road, and shall be subject to all the restrictions and limitations imposed upon them by the terms of this act in the construction of said Shawneetown and Equality plank

road: *Provided*, that if said company do not commence the work upon the extended line of said plank road from Equality to Marion in three years from the passage of this act, and complete the same in five years, then and in that event they shall forfeit all right to construct said extended plank road.

§ 14. This act shall be deemed a public act, and shall take effect from and after its passage.

APPROVED Feb. 17, 1851.

AN ACT to vacate the town plat of Reinzi, Sangamon county.

In force February 17, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That the town plat of Reinzi, in Sangamon county, Illinois, be and Plat vacated.* the same is hereby vacated.

§ 2. This act to be in force from and after its passage.

APPROVED Feb. 17, 1851.

AN ACT to amend and act entitled "An act to authorize the school trustees of township thirteen north, range ten east of the fourth principal meridian, to establish a ferry across the Illinois river." In force February 17, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That the conditions set forth in section number five (5,) in an act entitled "An act to authorize the school trustees of township thirteen north, range ten east of the fourth principal meridian, to establish a ferry across the Illinois river," approved February 27, 1847, be and the same are hereby renewed and extended until the first Monday in June next.* Conditions renewed and extended.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED Feb. 17, 1851.

In force Feb-17, AN ACT to incorporate Myron Lodge, No. 1, of the Old Free Order of Chaldean, of the city of Chicago, Cook county, Illinois.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That Gustav Leveneuz, George Fleitz, Frederick C. Hagerman, Ludwig Feigler, Jacob Strehl, Theodor Bosse and Daniel Halt, and all such persons as are or may hereafter become members of Myron Lodge, No. one, of the Old Free Order of Chaldea, of the city of Chicago, Cook county, Illinois, from and after the passage of this act, shall be and they are hereby constituted a body corporate and politic, by the name and style aforesaid, and by that name they and their successors shall have succession, and shall in law be capable of suing and being sued, plead and being impleaded, prosecute and defend in all manner of actions, in law or in equity, in all courts and places whatever where legal proceedings are had, and by that name and style be capable in law of purchasing or receiving, by gift or otherwise, holding and conveying real estate, for the benefit of said corporation: Provided, that said corporation shall not at any one time hold property to an amount exceeding twenty thousand dollars.*

Corporation.

Style.

Powers.

Proviso.

§ 2. Said corporation shall have power to loan money belonging to the same, and take promissory notes or other evidences for the money so loaned, which may be received in their corporate name aforesaid in all courts and places whatever where judicial proceedings are had.

§ 3. For the purpose of carrying into effect the objects of this act, the members of the above incorporation shall have power, and are hereby authorized, to appoint out of their number three trustees, to hold their office for the term of two years, and until their successors in office are appointed.

Trustees.

§ 4. They shall have power to make such by-laws and regulations as they shall think necessary for the government of their concerns, and have a seal and alter or change the same at pleasure: *Provided*, such by-laws are not inconsistent with the constitution and laws of this state or the United States.

Power of trustees.

Proviso.

§ 5. The capital stock of the above incorporation shall not exceed ten thousand dollars.

Capital stock.

APPROVED February 17, 1851.

AN ACT authorizing William R. Kendall to establish a hand or horse-boat ferry across the Mississippi river. In force February 17, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That William R. Kendall, his heirs and assigns, be and they are hereby authorized to establish and keep a hand or horse-boat ferry, for the term of twenty years, at and from the Vandorn lands, in Alexander county, opposite the city of Cape Girardeau, in the state of Missouri, across the Mississippi river, to said city. Ferry authorized.

§ 2. The said William R. Kendall, his heirs and assigns, shall at all times keep good and sufficient boats for the speedy and safe transportation of passengers, teams, horses, cattle and other animals, as well as goods and effects belonging to passengers, and shall furnish said boats with men of sufficient strength and skill to manage them, and shall charge and receive such rates of ferriage as may be allowed them by the county court of Alexander county. Boats. Equipments.

§ 3. The said William R. Kendall, his heirs and assigns, shall pay into the county treasury of Alexander county such annual tax as may be imposed by the county court of said county, and the management and regulation of said ferry and the rights and privileges of the owners thereof shall be governed and secured by the "Act to provide for the establishment of ferries, toll-bridges," &c., approved February twelfth, one thousand eight hundred and forty-seven. Tax.

§ 4. This act to take effect and be in force from and after its passage.

APPROVED Feb. 17, 1851.

AN ACT to amend an act entitled "An act incorporating the Mount Palatine Academy," by incorporating in connection therewith a college, by the name and title of Judson College. In force February 17, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Thomas Powell, Christopher Winters, John Higby, Norman Warner, W. Y. Bly, James Curtis, C. M. Wright, Otis Fisher, James McLay, Ephraim Reynolds, Charles Cross, A. M. Howard, and their successors, be and they are hereby created a body politic and corporate, by the name and style of the "President and Trustees of Judson college," and by that name and title to have perpetual succession. The said college, in connection with said academy as an academic department, to be and remain on section number Corporation. Style.

Location. one, township number thirty-one north, of range one west of the third principal meridian, in Putnam county. The

Trustees. number of trustees shall not exceed twelve; they shall have power to elect the necessary officers out of their own

Elections. body. The trustees shall be elected yearly by the stockholders of said college and academy jointly. They shall

Vacancies. have power to fill vacancies that may occur in the interim, and in case of a failure to elect at the proper time the trustees shall continue in office until their successors are elected and qualified.

Corporate powers. § 2. The corporate powers hereby bestowed shall be the following, to wit: to make contracts, to sue and be sued, to plead and to be impleaded, and to grant and receive by their corporate name; to accept, acquire by purchase, or sell property, real, personal or mixed, in all lawful ways; to use, employ, manage and dispose of all such property and all moneys belonging or that may belong to such corporation, in such ways as to them shall seem best calculated to promote the objects of the institution; to have a common seal, and to alter the same at pleasure; to make such by-laws for the management of said college and academy as shall not conflict with the laws of this state or the United States.

Powers. § 3. The trustees shall have power to prescribe and regulate the course of study in said college and academical departments, similar to other colleges in the United States; to appoint instructors and other officers and agents necessary to manage the concerns and interests of the institution, and to define their duties and fix their compensation, and if necessary to remove them; to erect suitable buildings; to purchase books and all other necessary apparatus; to make rules for the regulation of the conduct of pupils, and to expel such as are disorderly.

Capital stock. § 4. This corporation shall have power to raise a capital stock or college fund, in shares of fifty dollars each, to the amount of fifteen thousand dollars, exclusive of sums given by donation, bequest or otherwise; and the funds, rents, income of said property, of whatever kind, to be devoted exclusively to the purposes of education: *Provided, further,* that said institution shall not hold more than one thousand acres of land at any one time, and said lands to be appropriated in the manner the donor shall direct, within five years from the time such donation was made, or revert back to said donor or donors, or their heirs: *Provided, always,* that said institution shall not hold more than twenty thousand dollars.

Proviso.

Further proviso.

Quorum. § 5. Any five of the trustees shall constitute a quorum to do business, and on recommendation of the faculty grant those degrees usually granted by other colleges in the United States.

§ 6. There shall be attached to said academy a department in which shall be taught such branches as are usually taught in common schools. Primary department.

§ 7. The benefit and privileges of said institution shall alike be open to all religious denominations, yet it shall be under the control of the Baptist denomination. Control.

§ 8. The legislature shall have power to modify, amend or repeal this charter whenever the public good may require it. Power to repeal.

§ 9. This act to take effect and be in force from and after its passage.

APPROVED Feb. 17, 1851.

AN ACT authorizing an executor therein named to settle a claim therein named. In force February 17, 1851.

Whereas John Nilson, (since deceased,) and Robert Hill did enter jointly, at the Danville land office, in this state, the following lands, to wit: the south half of lot four (4,) in section three (3,) in township twenty-five (25) north, of range twelve west (12) of the second (2) principal meridian, and also lot five (5,) in the same section; and whereas the said Robert Hill afterwards conveyed to said John Nilson, in his lifetime, his proportion of said lands; and whereas it was afterwards found that said lands were seminary lands belonging to this state; and whereas the general assembly of this state have granted pre-emption upon said lands to the heirs at law and executors of said John Nilson, deceased; therefore, Preamble.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That Robert Nilson, executor of the last will and testament of said John Nilson, deceased, or his successor in office, be and he is hereby authorized to settle with said Robert Hill, his heirs or legal representatives, for all liabilities incurred by said Hill under said deed, and make to said Hill the necessary acquittances therefor, upon said Hill's paying to said executor or his successor in office the amount received by him therefor of said John Nilson, and the interest thereon up to the time said money shall be refunded by said Hill: Provided, that the same be paid within one year after the passage of this act: And provided, also, that said settlement shall be made a matter of record in the county court of Iroquois county, sitting for probate business.* Settlement authorized.

This act to be in force from and after its passage.

APPROVED February 17, 1851.

In force February 17, 1851.

AN ACT to incorporate the Oswego and Aurora Railroad Company.

Corporation.

Style.

Powers.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That William O. Parke, Lewis B. Judson, John M. Crathers, Samuel Roberts, Nathaniel Rising, Daniel Pierce, Charles D. Townsend, John W. Chapman, John L. Clark, William Thurlee and Benjamin F. Fridley, and all such persons as shall hereafter become stockholders in the company hereby incorporated, shall be a body politic and corporate, by the name and style of the "Oswego and Aurora Railroad company," and under that name and style shall be capable of suing and being sued, impleading and being impleaded, defending and being defended against, in law and equity, in like manner and as fully as natural persons; may have and use a common seal, and the same may alter or amend at pleasure, and by their said corporate name and style shall be capable in law of contracting and being contracted with, of acquiring by purchase or otherwise, and of holding and conveying any real or personal estate necessary for the full and perfect carrying out of the objects and intentions of this act, and shall be and are hereby invested with all the powers, privileges, immunities and franchises which may be needful to carry into full effect the purposes and objects of this act.

Provisions applicable.

Object.

§ 2. All the provisions of an act entitled "An act to provide for a general system of railroad incorporation;" approved November fifth (5,) one thousand eight hundred and forty-nine, are hereby extended, so far as the same shall be applicable, to the incorporation herein provided, and the said company is hereby authorized to proceed under the provisions of the above entitled act to lay out, locate, survey, construct and operate a railroad under the provisions of the said general law, from the village of Oswego, in Kendall county, to the village of Aurora, in Kane county, and to secure the right of way as provided in said general law, and may connect with the Aurora Branch railroad, provided said Aurora Branch Railroad company shall give their consent to such connexion; and, further, the said company is hereby authorized by its by-laws to make such rules and regulations respecting subscriptions of stock, and the manner of paying the same, as it shall deem expedient.

Stock.

§ 3. The shares of stock in said company shall be one hundred dollars each, and shall be personal property.

§ 4. This act shall take effect from and after its passage.

APPROVED Feb. 17, 1851.

AN ACT to authorize Adoniram J. Brown to keep a ferry across the Mississippi river, In force February 17, 1851.
at the town of Port Byron.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Adoniram J. Brown, his heirs and assigns, shall have the right, Ferry authorized. and he is authorized, to establish and keep a ferry, for the term of ten years, across the Mississippi river, between the town of Port Byron, in the county of Rock Island, and the opposite shore, in the state of Iowa.

§ 2. The said Adoniram J. Brown shall at all times Boats. keep good and sufficient boats for the speedy and safe transportation of passengers, teams, horses, cattle and other animals, as well as goods and effects belonging to passengers, and shall furnish said boats with men of sufficient strength Equipments. and skill to manage them, and shall charge and receive such rates of ferriage as may be allowed him by the county court Tolls. of Rock Island county, and to pay such annual tax as said Tax. court may direct, not exceeding ten dollars.

§ 3. The said Adoniram J. Brown, his heirs and assigns, Exclusive privilege. shall have the exclusive privilege of ferrying at and from the said town of Port Byron, and for one mile each way from the place of landing, unless the said Adoniram J. Brown, his heirs or assigns, shall fail to comply with the provisions of this act, then and in that case all rights and privileges acquired herein shall be forfeited; and the power to modify or repeal this act, whenever the public good may Right to repeal. require, is hereby reserved.

This act to take effect and be in force from and after its passage.

APPROVED Feb. 17, 1851.

AN ACT entitled an act for the relief of Owen Miller.

In force Feb. 17, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Owen Miller, jr., who was and is bail for the appearance of Lewis Crane and Shedrick Crane, to the Winnebago circuit court, the condition of said bond having been forfeited, be and he is hereby discharged from the penalty of said bail bond, by Discharged from liability. the payment of costs.

APPROVED Feb. 17, 1851.

In force February 17, 1851.

AN ACT to incorporate the Moline Cemetery Association.

- Corporation.** SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That A. J. Perkins, Hiram Hutt, A. J. Swanclear, R. N. Tate, Joseph Jackman, L. E. Ober and G. P. Vesey, of the town of Moline and vicinity, and their associates and their successors, be and they are hereby constituted a body corporate and politic, by the name and style of the "Moline Cemetery Association," and by that name shall have perpetual succession, and shall have all the powers, rights and privileges, liabilities and immunities incident to a corporate body.*
- Style.**
- Powers.** § 2. Said association shall have power to own real estate, not exceeding ten acres, and personal property not exceeding at one time five hundred dollars, which shall be exempt from taxation and from attachment and execution.
- Real estate.** § 3. The object of said association shall be exclusively to lay out, enclose and ornament a plat of ground, to be used as a burial place for the dead.
- Object.**
- Lots.** § 4. Said association shall have power to lay out the burial place into lots of suitable size and sell the same; purchasers of which shall use the same as herein contemplated, and for no other purpose.
- Proceeds of sales.** § 5. The proceeds of such sales and other funds which may come into the possession of the association, shall be appropriated and used in purchasing and laying out the grounds, and in improving and ornamenting the same, or in other objects connected with the incorporation.
- Trustees.** § 6. The owners of lots in the cemetery shall, on the first Monday of May next, elect three trustees, who shall be owners of a lot in the cemetery, one of whom shall continue in office for one year, one for two years, and one for three years, and until their successors are elected; and annually thereafter, on the first Monday of May, they shall elect one trustee, who shall continue in office for three years, or until his successor is elected, and any neglect to elect officers on said day shall not operate as a forfeiture of this act of incorporation.
- Voters.** § 7. Every owner of one or more lots shall be a member, and shall be entitled to one lot [vote] only. Absent members may vote by proxy.
- By-laws.** § 8. The trustees may make all necessary by-laws and regulations for laying out, ornamenting and keeping in repair said cemetery, and for preserving other property of the association. They shall appoint a secretary, treasurer and sexton, and shall define their duties and affix their compensation.
- Certificates of stock.** § 9. The right of property to any lot or lots which may be purchased shall be vested by certificate of stock, signed by the secretary, and recorded in a book kept by the sec-

retary for that purpose, and every transfer of such lots shall be made by surrendering such certificate to the secretary, who shall destroy it and issue a new one.

This act to take effect and be in force from and after its passage.

APPROVED Feb. 17, 1851.

AN ACT to amend an act entitled "An act to incorporate the town of Shelbyville." In force February 17, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the corporate limits of the town of Shelbyville shall hereafter constitute a district for the purpose of electing a justice of the peace. Justice's district.

§ 2. That said election shall be held at such time and place as may be provided by an order of the board of trustees of said town. Election.

§ 3. All persons residing within the corporate limits of said town, entitled to vote for trustees thereof, may vote at said election.

§ 4. The election for said justice of the peace, as well as all elections for trustees hereafter, shall be conducted by two of the trustees of said town, who shall be duly sworn for that purpose. How conducted.

§ 5. The said justice of the peace shall have exclusive jurisdiction in all cases arising under the ordinance of said corporation, and concurrent jurisdiction with all other justices of the peace in civil and criminal cases, and shall exercise all the powers and duties, and shall be subject to all the provisions of law pertaining to justices of the peace. Jurisdiction.

§ 6. The said justice of the peace shall be commissioned by the governor. Commission.

§ 7. This act shall be in force from and after its passage.

APPROVED Feb. 17, 1851.

AN ACT for the relief of the securities of John R. Smoot, late sheriff of Gallatin county. In force Feb. 17, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the securities of John R. Smoot, late sheriff and collector of revenue for the county of Gallatin, upon payment of their respective *pro ratas* to the auditor of public accounts of a

Conditions.

judgment obtained against them in the Sangamon circuit court, on the twenty-fifth of July, one thousand eight hundred forty-eight, for the balance of revenue for the year eighteen hundred and forty-four, for the sum of seven hundred and ninety-two dollars and four cents, and also a judgment rendered against them on the twenty-third of March, one thousand eight hundred and fifty, for eleven hundred and seventy-nine dollars and seventy-eight cents, being the balance of revenue for the year one thousand eight hundred and forty-five, be and are hereby forever released from all liabilities on account of said bonds and judgments thereon. Said *pro rata* payments may be made in three annual instalments, in the following order: the first, on the first day of January, eighteen hundred and fifty-two; the second, on the first day of January, eighteen hundred and fifty-three; the third, on the first day of January, eighteen hundred and fifty-four: *Provided*, that nothing herein contained shall be construed as to release the said sheriff from the debt or any portion thereof.

Proviso.

Sales set aside.

§ 2. All sales of land heretofore made by virtue of any execution issued upon either of said judgments, are hereby set aside and for nothing esteemed, and the auditor is hereby required to cancel said sales.

Failure to comply with conditions.

§ 3. Should said securities, or any of them, fail to comply with the provisions of this act, they shall not be entitled to the benefits thereof, but those who shall comply and pay their proportions, as provided in this act, shall receive from the auditor a full acquittal from all liabilities as aforesaid.

Execution stayed.

Proviso.

§ 4. That executions on said judgment be stayed until said times of payments, as to those who avail themselves of the provisions of this act: *Provided*, that execution may issue against any of the parties in said judgments after the first day of January, eighteen hundred and fifty-two, who shall fail to comply with the provisions of this act, and the judgments and executions shall remain a lien upon their property.

§ 5. This act shall be in force from and after its passage.

APPROVED February 17, 1851.

In force February 17, 1851.

AN ACT to incorporate the Griggsville and Illinois River Plank Road Company.

Corporation.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That Marshall Ayers, Jabez D. Phillbrick, Nathan W. Jones, John Crue, Ozias M. Hatch and Reuben B. Hatch, and their*

successors, be and they are hereby constituted a body politic and corporate, to have perpetual succession and existence as such corporation for and during the space and term of thirty years, and by that name to sue and be sued, plead and be impleaded, as a natural person, and shall be so recognized in courts of law and equity; and to have and use a common seal, to alter the same at pleasure; and they shall have power, in their corporate name, for the use of said corporation, to purchase and hold sufficient real estate for the free enjoyment of all privileges herein granted, and also the power to establish such by-laws, ordinances and regulations as shall be deemed necessary for the furtherance of the objects of the incorporation, and not contrary to the constitution and laws of this state.

Duration.

General powers.

§ 2. The capital stock of said company shall be fifteen thousand dollars, in shares of fifty dollars each, to be subscribed for and sold as hereinafter provided: *Provided*, that if the amount of capital above stated is insufficient to complete said road, then the capital stock may be increased to twenty thousand dollars, or such sum as may be necessary to complete the work, to be subscribed for as the president and directors of the company shall order.

Capital stock.

Proviso.

§ 3. That at any time after the passage of this act the beforenamed persons, or their successors, or a majority of them, shall meet at the town of Griggsville and elect a president, who shall be chosen from one of said corporators, and a secretary, who may or may not be one of their number, whose duty it shall be to record all the orders and proceedings of said board; and proceed to make arrangements for opening books for the subscription of stock at such times and places and in such manner as they may order and direct; and shall, moreover, make such orders for the payment of instalments on stock as they may think best for the interests of the corporation.

Officers.

§ 4. The corporation shall cause books to be opened for subscription, at such time and in such places as they may direct, due notice thereof shall be given in the nearest newspaper, in each of which books the following entry shall be made: "We, the undersigned, severally promise to pay the Griggsville and Illinois River Plank Road company the sum of fifty dollars for each share of stock set opposite our names, in such manner and proportion, and at such times, as the president and directors of said company shall direct, dated this——day of——." Five per cent. upon each share subscribed for shall be paid at the time of such subscription, and said subscription book shall specify the balance due on each share after deducting the sum so paid. A guaranty of the payment of said obligation may be required of any subscriber thereto.

Subscriptions.

Payments.

Survey and location.

§ 5. Said corporation shall have full power, from time to time, to examine, survey and locate the route of said plank road, commencing within or immediately adjoining said town of Griggsville, and running along the best ground for the interest of the company and convenience of the public, to some point or points on the bank of the Illinois river, in the county of Pike. Said road not to exceed eighty feet in width.

Directors.

§ 6. When the sum of two thousand dollars is subscribed for, it shall be the duty of the secretary of said corporation, or their president, in case there is no secretary, to give notice in the nearest newspaper, or by personal notice, to the subscribers to the stock of said company, of the time and place at which a meeting of the stockholders will be held for the purpose of the election of directors of said company, who shall be elected out of the stockholders of said company by said stockholders. The persons so elected shall be the board of directors of said company. The election shall be conducted in such manner as the persons named in this act as incorporators shall direct, and each stockholder shall have a vote at such first election for each share of stock he shall own at the commencement of such election. At all future elections no person shall cast any vote in right of any stock which shall have been transferred to him within thirty days preceding such election. Votes at such first, or any subsequent election, may be given in person or by proxy, in such manner as the by-laws shall provide. The board of directors shall consist of five persons; they shall continue in office one year from the time of their election, and until their successors are elected, and a majority of them shall constitute a board competent to transact the business of the corporation; and shall have power to establish all by-laws necessary to carry out the objects of this act, not inconsistent with the constitution and laws of this state, for the government of said company, and to establish such rules for the government of themselves and the stockholders as they shall think best. The said directors shall elect a president from their number, and a secretary, who may or may not be a stockholder, but not a director, and shall have power at any time to fill vacancies in said offices; they may also, in their discretion, elect a treasurer, or require their secretary to act as treasurer of the company.

Election of.

Number of directors.

§ 7. Said president and directors shall be the executive officers of said company; a majority of the board shall be a quorum for the transaction of business; they shall have full power to do every act and perform all the duties necessary to carry out the purposes for which the said company is created by this act; to appoint or employ such subordinate officers, agents and workmen as shall be necessary in

Vacancies.

Executive officers.

Quorum.

Agents, &c.

and about the construction and repair of said road and the business of said company; in the corporate name of said company to sue for and recover all sums of money due for stock, or on guaranties given therefor, or to provide for the forfeiture of said stock and all previous payments thereon, for non-payment of the instalments due on such stock; to acquire, in the name of said corporation, by purchase, gift or otherwise, all real estate necessary for the construction of said road, and of the necessary toll-houses thereon; to establish such toll-houses, toll-gates and other structures as they shall deem necessary in and about the business of said road; to contract with the board of supervisors of the county of Pike for the use of all or any part of any public highway in said county, upon which to construct said road; to take releases and conveyances from the owner or owners thereof of the necessary lands over which said road may pass. If said road shall be constructed over any public highway under and by virtue of any agreement made with the board of supervisors of the county of Pike, then, at the expiration of the corporate existence of said company, unless the said county of Pike shall renew said agreement, for the use of said highway, with said corporation, (if their charter is hereafter extended beyond the time limited in this act,) then said county of Pike shall pay to said company the worth of the plank superstructure of said road at the time of such expiration, to be determined by said county choosing one person, said company one other, and they two a third, to ascertain the worth of said superstructure.

§ 8. If any owner of any land upon which said company intends constructing any part of said road shall, from any cause, be incapable of selling the same, or if from any cause said company cannot agree with such owner for the purchase thereof, or if after diligently inquiry the name and residence of such owner cannot be ascertained, or if such owner does not reside in the state of Illinois, said company may present to the county judge of Pike county a petition, setting forth the grounds of the application, a description of the lands in question, and the name and residence of the owner, if known, and the means that have been taken to ascertain the name and residence of such owner, if unknown, and praying that the damages of the owner of the lands described in the petition may be ascertained. Upon receiving such petition said judge shall appoint a time at some regular or special term of the county court for the hearing of such petition, and such proceedings shall be had thereupon as are prescribed for assessing damages in an act entitled "An act to provide for the construction of plank roads by a general law," approved 12th February, 1849.

Damages.

Legal proceedings.

Toll-gates.

§ 9. As soon as said company shall have completed two miles of said road they may erect a gate or gates thereupon, at suitable distances apart, and demand and receive from persons travelling on said road the tolls allowed by this act; and as soon as said company shall have completed any further portion or all of said road they may erect all such gates as may be necessary, at suitable distances apart, and may demand and receive from persons traveling on said road the rates of toll fixed by this act. Said company is hereby authorized to charge toll for each mile of said road as is prescribed in an act entitled "An act to provide for the construction of plank roads by a general law," approved February 12, 1849.

Tolls.

Penalty.

§ 10. That if any person or persons shall wilfully and knowingly do any act or thing whatsoever whereby the said road or anything thereto belonging shall be injured or damaged, the person or persons so offending shall forfeit and pay three times the amount of damages sustained, with costs of suit, to be recovered in an action of debt on behalf of said company, before any court, either of record or not of record, having jurisdiction in cases of debt; and any person or persons who shall pass or attempt to travel along said road without paying the rates of toll authorized to be charged by this act, shall forfeit and pay three times the amount of the toll which he, she or they were liable to pay at the rates fixed by this act, which may be recovered by action of debt on behalf of said company, before any court, either of record or not of record, having jurisdiction thereof.

This act to be deemed and taken to be a public act, and to be in force from and after its passage.

APPROVED Feb. 17, 1851.

In force February 17, 1851.

AN ACT to vacate an alley in Beardstown.

Alley vacated.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That the alley running through the middle of block number forty-five (B 45,) on the plat of Beardstown, in Cass county, be and the same is hereby vacated and annulled, and the ground over which the same passes may be resumed by the adjacent owners in just proportions to their respective interests.*

§ 2. This act to be in force from and after its passage.

APPROVED Feb. 17, 1851.

AN ACT authorizing James H. Hanchete to build a bridge across Rock river, at Oregon, Illinois. In force February 17, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That James H. Hanchete and his associates, their heirs and assigns, be* ^{Bridge authorized.} *authorized to build a bridge across Rock river, at any point on the town plat of the town of Oregon that he may select, in the county of Ogle, and state of Illinois.*

§ 2. And the said James H. Hanchete, his associates ^{Location.} and assigns, and their heirs, are hereby authorized to construct said bridge below or on the dam now constructed across said river at said town of Oregon: *Provided*, if they ^{Proviso.} should construct the same on said dam they shall procure the right so to do from the proprietors thereof.

§ 3. And the said James H. Hanchete and his associates, ^{Toll-gate.} their heirs and assigns, are hereby authorized, after the completion of said bridge, to place a toll-gate at either end of the same, when he and they, or their heirs and assigns, may demand of every person passing on said bridge the ^{Tolls.} same rate of tolls as is now allowed for passing the ferry at said Oregon: *Provided*, said Hanchete, and his associates, ^{Proviso.} their heirs and assigns, may double the above rates from all persons passing said bridge after nine o'clock in the evening and before four o'clock in the morning.

§ 4. That the said James H. Hanchete, his associates, ^{Repairs.} their heirs and assigns, shall at all times after the completion of said bridge keep the same in good repair, and allow a speedy passage over the same; and if at any time the said bridge shall be out of repair so that the same shall be impassable for the space of six months at any one time, the said Hanchete and his associates, their heirs and assigns, shall lose all rights acquired by virtue of this act: *Provided*, ^{Proviso.} that the destruction of the same by fire or water, or other casualty, shall not work such forfeiture, but the same shall be rebuilt or repaired as soon as practicable thereafter: *And provided, further*, that if any person in crossing said ^{Further proviso.} bridge shall sustain any injury or damage, either to himself or his property, in consequence of said bridge not being kept in good repair, the proprietor thereof shall be responsible for the same.

§ 5. If any person or persons shall wilfully do or cause ^{Penalty.} to be done any injury to said bridge the person or persons so offending shall forfeit and pay to the proprietors thereof three times the amount of such injury, to be recovered before any justice of the peace or other court having jurisdiction of the same.

§ 6. The said bridge shall be deemed a public highway within the meaning of the laws providing for the punishment of persons injuring, obstructing or destroying public

highways or bridges in any manner or by any means whatever.

Individual liability. § 7. The said James H. Hanchete, and his associates, their heirs and assigns, shall be liable in their private and individual property for any and all debts contracted for or on account of said bridge, to an amount equal to the stock so by him or them held, whether the said debts originated by contract or otherwise. The county court of Ogle county shall have the power, and it shall be their duty, at the March term thereof every year, to fix and establish the rates of toll for passing upon said bridge, and no greater sum or sums shall be taken or charged than thus allowed, any thing in this act to the contrary notwithstanding.

Restriction. § 8. The navigation of Rock river shall not be in anywise obstructed or delayed by the said bridge, and the said county court shall have the power of determining whether the erection of said bridge will have the effect of impeding the free navigation of Rock river, and have the power to prescribe such regulations as they may deem proper to prevent such obstruction.

APPROVED Feb. 17, 1851.

In force February 17, 1851. AN ACT to incorporate the Hennepin Union Seminary, in the town of Hennepin, Putnam county, Illinois.

Corporation. SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Sidney Pulsifer, David Markley, Edward F. Pulsifer, William H. Brown, James J. Todd, Oaks Turner and Williamson Dureley, and their successors in office, be and they are hereby created a body politic and corporate, under the name and style of the "President and Trustees of the Hennepin Union Seminary," and by that name and style to remain and have perpetual succession. The said seminary shall be and remain in the town of Hennepin, in the county of Putnam, and state of Illinois. The number of trustees shall not exceed seven, one of whom shall be president of the board, to be chosen by the trustees, and under the above name and style shall have power to make contracts, to sue and be sued, to plead and be impleaded, to answer and be answered unto, in all courts and places; to grant and receive, by its corporate name, and to do all other acts as natural persons may or could do; to accept, acquire, purchase or sell property, real, personal or mixed, in all lawful ways; to use, employ, manage and dispose of all such property and all money belonging to said corporation, in such manner as shall seem to

Style.

Location.

Number of trustees.

President.

Powers.

the trustees best adapted to promote the objects before mentioned; to have a common seal, and change and alter the same at pleasure; to make such by-laws for its regulation as are not inconsistent with the constitution of the United States and of this state; to confer on such persons as may be considered worthy such academical or honorary degrees as are usually conferred by similar institutions.

§ 2. The trustees of said corporation shall have authority, from time to time, to prescribe and regulate the course of studies to be pursued in said seminary, to fix the rate of tuition and other seminary expenses, to appoint instructors and such other officers and agents as may be necessary in managing the concerns of the institution, to define their duties, to fix their compensation, to displace and remove them, to erect necessary buildings, to purchase books, chemical and philosophical apparatus, and other suitable means of instruction, to make rules for the general regulation of the conduct of the students, and to make and pass such ordinances, rules and by-laws as they may deem necessary and expedient. Authority of trustees.

§ 3. The trustees for the time being, in order to have perpetual succession, shall have power to fill all vacancies which may occur in the said board, from death, resignation or from any other cause. A majority of the trustees shall constitute a quorum to do business. Vacancies.

§ 4. It shall be the duty of the board of trustees to appoint a treasurer to the board from the stockholders, who shall be required to give bond, with such sufficient security as the board may prescribe, conditioned for the performance of such duties as the by-laws may require of him, and to hold his office for such time as the by-laws may prescribe. Treasurer.
Bond.

§ 5. The said institution shall be open to all denominations of christians, and the profession of any particular religious faith shall not be required of those who become teachers or students of this seminary. All persons, teachers or students, whose habits are idle or vicious, or whose moral character is bad, may, however, be suspended or expelled from said seminary by the trustees thereof. Students and teachers not to be excluded on account of religious faith.

§ 6. The land, tenements and hereditaments to be held in perpetuity, by virtue of this act, by said corporation, shall not exceed eighty acres. Restriction.

§ 7. The stock of said company shall consist of shares of five dollars each, and shall be deemed personal property, and shall be transferable by assignment of certificate on the books of said corporation, in such manner as the board of trustees shall prescribe. The capital stock of said company shall not exceed twenty-five thousand dollars, and its funds, rents and privileges shall be only used for the purposes of education, as herein declared. Stock.
Limitation.

Trustees.

§ 8. The before mentioned trustees shall be deemed trustees of this incorporation until their successors are elected and qualified, and they are authorized to appoint all necessary agents and officers; which offices shall expire with their own.

Execution of instruments of writing.

§ 9. All deeds or instruments of writing for the conveyance of real estate to the said incorporation shall be made to the president and trustees of the Hennepin Union Seminary, and their successors in office, for the use of said seminary, and all deeds and conveyances of land from said corporation shall be made by a majority of the trustees, sealed with the seal of the corporation, if they have a public seal—if no public seal is provided, then signed by the president, and his private seal, and by him acknowledged in his official capacity.

Elections.

§ 10. The time of election for the election of trustees shall be on the first Monday of April, A. D. eighteen hundred and fifty-one, and on the first Monday of April each year thereafter; and the trustees elected at such times shall serve until their successors are elected and qualified. It shall be the duty of the president to give ten days' notice of each election for trustees or other officers, by putting up notices in at least three public places in the town of Hennepin and vicinity, of the time and place of holding the same, and each stockholder shall be entitled to one vote for each share of stock he or she may own; and if it should happen that an election of the trustees should not be made on the day herein provided, it shall, in that case, be lawful to hold the election on any other day that may be designated by a call of five stockholders, by notices as before designated.

Votes.

Exemption from taxes.

§ 11. The land, lots, building or buildings, library, philosophical or chemical or other apparatus belonging to said corporation, is and the same shall be forever exempt from taxation for state, county or corporation purposes, and also exempt from execution for other than debts or demands against said incorporation in its corporate capacity and liabilities.

Restriction.

§ 12. No stockholder shall, at any election under this act, be permitted to cast more than sixty votes or ballots, any thing in this act of incorporation to the contrary notwithstanding.

APPROVED Feb. 17, 1851.

AN ACT to amend an act entitled "An act to incorporate the town of Hennepin," In force February 17, 1851.
approved March 2, 1839.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the limits of said town shall hereafter include the south half of Addition. fractional section number nine, and the south half of the west half of the south-west quarter of section number ten, in township thirty-two north, of range two west of the third principal meridian and no more.

§ 2. The board of trustees of said town shall have Health. power, by an ordinance, to make any and all regulations necessary to be made to secure the general health of the inhabitants, to declare what are nuisances, and to prevent and remove the same.

§ 3. The board of trustees of said town shall have Special tax. power, and it is hereby declared to be their duty, at the annual election for officers in said town to be held on the first Monday in May, A. D. eighteen hundred and fifty-one, and on the first Monday in May ever thereafter, to cause to be submitted to the inhabitants, legal voters of said town of Hennepin, the question of "a special tax" for the purpose of grading and paving the side walks in said town; and if at any such election there shall be a majority of those voting for or against a special tax for said purpose for levying said special tax, then it shall be the duty of the board of trustees of said town to levy and collect a special tax upon all the property, both real and personal, except public property, within the corporate limits of said town, not exceeding one half of one per centum upon the assessed value thereof, for said year. Said tax to be collected in the same manner as other taxes are collected in said town of Hennepin. It shall be the duty of said board of trustees to cause the special tax so levied and collected to be faithfully expended in grading, paving and building side walks within the corporate limits of said town, under the superintendence of the street commissioner.

§ 4. Hereafter there shall be but one assessor elected Assessor. in said town instead of two.

§ 5. The board of trustees shall appoint, at their first Street commis- meeting after their annual election, a street commissioner, sioner. who shall hold his office for one year, and until his successor is appointed and qualified. It shall be the duty of the street commissioner to perform all the duties of the office of supervisor, and have a general superintendence of the Duties. streets, and the expending of all moneys raised or to be raised for the improvement of the streets and side walks of said town.

§ 6. That the inhabitants of the town of Hennepin, in Corporation. the county of Putnam, are hereby declared to be a legal

body corporate and politic, and to have all the rights and privileges given them by the act incorporating said town, approved March second, one thousand eight hundred and thirty-nine, as fully and effectually as they would have had [had] there been no irregularity in the election of the officers of said town, or in the nonuse of its privileges.

Vacation of
streets, &c.

§ 7. That so much of the streets and alleys of the said town of Hennepin as lie north of Mulberry street and east of Sixth street, (being the same parts of streets and alleys that lie within block No. twenty-eight (28,) and fractional blocks number thirty-six (36,) thirty-seven (37,) and forty-one (41,) in said town, be and the same are hereby vacated, and the said parts of streets and alleys are hereby declared to belong, in equal portions, to the adjacent lots.

APPROVED February 17, 1851.

In force February 17, 1851. AN ACT to authorize Harvey P. Jones to keep a ferry across the Mississippi river, at Moline, Rock Island county.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That Harvey P. Jones, his heirs and assigns, be and they are hereby authorized to keep a ferry across the Mississippi river at and from or near the town of Moline, in the county of Rock Island, to the shores of Iowa, for and during the term of ten years from the passage of this act; then the rights and privileges herein granted shall cease and determine.*

Ferry.

Duration of privilege.

Prohibition.

§ 2. The county court of Rock Island county are hereby prohibited from granting any license to any other person or persons, bodies politic or corporate, to keep a ferry across said river for the space of three miles up the said river from the northern limits of the chartered rights of John Wilson, of the city of Rock Island, unless the said Harvey P. Jones, his heirs and assigns, should fail to comply with the provisions of this act.

Boats.

§ 3. The said Harvey P. Jones, his heirs and assigns, shall at all times keep constantly on hand a sufficient supply of boats suited to the demands of said ferry, and therein afford a safe and expeditious passage for all passengers, and all property usually transported across said river on ferry-boats, and shall conform to and be governed by the laws of the state regulating ferries.

Tolls.

§ 4. The said Harvey P. Jones, his heirs and assigns, shall be entitled to demand and receive from each and every person who may be ferried across said river, and for each horse, ass, mule or cow, sheep, hog or other animals, cart,

waggon, buggy, gig or other vehicle, and for freight, such rates of ferriage as may be established annually by the county court of said county of Rock Island: *Provided*, Proviso. that such rates shall be reasonable.

§ 5. For the privileges herein granted the said Harvey Tax. P. Jones, his heirs and assigns, shall pay into the county treasury of said county of Rock Island such annual tax as may be assessed by the county court of said county, not exceeding ten dollars, and in default of the payment of said tax the said Jones, his heirs and assigns, shall forfeit the sum of twenty dollars, to be recovered in an action of debt in the name of said county, before any justice of the peace therein, subject to appeal as in other cases. This act to be repealed whenever the public good requires.

This act to take effect and be in force from and after its passage.

APPROVED February 17, 1851.

AN ACT to incorporate the Metropolis City, Vienna and Marion Plank Road Company. In force February 17, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That John Hanna, John W. Read, Isaac M. Kelly, David Y. Bridges, Corporation. Worthington J. Gibbs, James Monroe Campbell, their successors and assigns, be and they are hereby constituted and appointed a body corporate and politic, under the name and style of "The Metropolis City, Vienna and Marion Plank Road company;" and by that name and style shall be, and they are hereby made capable in law and equity, to sue Powers. and be sued, plead and be impleaded, defend and be defended, in any court or place whatsoever; to make, have and use a common seal, and the same to renew at pleasure; and by that name and style shall be capable in law of purchasing, holding and conveying real and personal estate, for the Property. purposes and uses of said corporation; and shall be and are hereby vested with all the powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act, as hereinafter set forth.

§ 2. The said company are hereby authorized and em- Objects. powered to locate, construct and finally complete a plank road from Metropolis City, in Massac county, on the most eligible route, in the direction of Vienna, in Johnson county, and Marion, in Williamson county, in such manner and form as they shall deem to be most expedient; the said

road to be of such width as the said company, or the president and directors thereof, may deem most advisable.

Capital stock.

§ 3. The capital stock of said company shall consist of one thousand shares, at fifty dollars per share, to be hereafter increased to such an amount as will be necessary to construct the said road. And the immediate government and direction of the affairs of said company shall be vested in a board of not less than five directors, who shall be chosen by the members of the corporation, in the manner hereinafter provided, and shall hold their offices until others are duly elected and qualified; and the said directors, a majority of whom shall form a quorum for the transaction of business, shall elect one of their number to be president of the board. The members of said company shall meet annually, or oftener, if deemed necessary, at Metropolis city, at such time as the said president may direct; at which meeting the said directors shall be chosen, by ballot, each proprietor being entitled to as many votes as he holds shares. And any two of the individuals first named in this act are hereby authorized to call the first meeting of said company, by giving notice thereof, of the time, place and purpose of such meeting, at least ten days before the time mentioned in said notice. Said notice may be given in a newspaper, if one shall be printed in the county where the meeting is to be held, if not then the same shall be posted up in four of the most public places in said county.

Directors.

By-laws.

§ 4. The said company shall have power to make, ordain and establish all such by-laws, rules and regulations and ordinances as they may deem expedient and necessary to accomplish the designs and purposes of their said corporation, and for the transfer and assignment of its stock, and the conveyance of its property, and the well ordering, regulating and securing of the interest and affairs of the company: *Provided*, the same be not repugnant to the constitution and laws of this state and of the United States.

Proviso.

Subscriptions.

§ 5. Said board of directors are hereby authorized to receive subscriptions to the stock of said company, when and where, and after such notice, as they or a majority of them shall agree; and they are hereby authorized to levy assessments upon the capital stock subscribed, at such times and in such way and manner as may be necessary for the construction and completion of said road: *Provided*, that no more than fifty dollars shall be assessed upon any one share. The said directors shall give notice of all such assessments; and in case any subscriber shall neglect to pay his assessment within thirty days after due notice thereof, the share or shares of such delinquent subscriber may, by the order of said directors, be sold at public auction, after giving due notice thereof, to the highest bidder; and the

Proviso.

same shall be transferred to the purchaser, and such delinquent subscriber shall be held accountable to the company for the balance of his share or shares shall sell for less than the assessments due thereon, with interest and costs of sale, and he shall be entitled to the overplus, if his share or shares shall sell for more than the assessments, with interest and costs of sale.

§ 6. Said company are authorized, as soon as the board of directors are elected, to commence the construction of said plank road; and as soon as any three miles of said road shall be completed they may erect toll-gates thereon and collect the toll allowed by this act. Said company shall keep said road in repair, and shall have power to construct bridges and causeways over sloughs, ponds and streams any where on the route of said road, when the same shall be necessary; and said company shall have power to borrow money, not exceeding fifty thousand dollars, to aid in constructing said road.

§ 7. Said company shall have power to fix and regulate the tolls to be charged and paid for passing on said road: *Provided*, said tolls shall not exceed the following rates: for every vehicle drawn by one animal, three cents per mile; for every vehicle drawn by two animals, four cents per mile, and one half cent additional for each mile for every animal more than two; for every ten head of neat cattle, one and a half cents per mile; and for every ten head of sheep or swine, one and a half cents per mile; and for every horse and rider or led horse, one and a half cents per mile. And it shall be lawful for any toll gatherer to stop and detain any person going over said road, until the toll properly chargeable shall be paid; and any person who shall use said road and refuse to pay said toll shall forfeit and pay for such refusal the sum of five dollars, to be collected by said company, by action of debt, before any justice of the peace of the proper county.

§ 8. The said corporation shall be allowed two years from the passage of this act to commence the construction of said road, and shall complete the same within two years from the commencement thereof; and upon a failure to do so, this charter shall be forfeited.

§ 9. The said company is hereby authorized to locate and construct said plank road over any lands owned by this state, or by individuals on the route of said road. Such company shall pay all damages that may arise or accrue to any person or persons by means of taking their lands, timber, rock, stone or gravel, for the use of said road; and when the same cannot be obtained by consent of the owner or owners upon reasonable terms, it shall be estimated and

recovered in the manner provided by law for the recovery of damages happening by the laying out of highways.

This act to take effect from and after its passage.

APPROVED Feb. 17, 1851.

In force February 17, 1851.

AN ACT to incorporate the Naperville Academy.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Hope Brown, Henry L. Peaslee, Salinus M. Skinner, John Collins, and Aylmer Keith, and their associates, be and they are hereby created a body politic and corporate, by the name and style of "Naperville Academy," and by that name and style to have perpetual succession. The said institution to be located in the town of Naperville, Du Page county, and state of Illinois.

Powers. § 2. The corporation hereby created shall have power to contract, to sue and be sued, to plead and be impleaded, to grant and receive by their corporate name, to accept of donations, acquire by purchase, or to sell property, real, personal or mixed, in all lawful ways and means; to use, manage, employ and dispose of all such property or money belonging to said corporation as to them shall seem meet for the promotion of the objects and interests of said corporation; to have a common seal, to alter and change the same at pleasure; to make and establish all such by-laws and regulations for the management of said institution as may be necessary and proper, and not inconsistent with the constitution and laws of this state or of the United States; and to confer on such persons as may be worthy such academical or honorary degrees as are usually conferred by similar institutions in like cases.

Stock. § 3. The stock of said company shall consist of shares of ten dollars each, to be subscribed for in the manner that the trustees shall direct, and which shall be deemed personal property, and shall be transferable on the books of said corporation in such manner as the board of trustees may prescribe. The capital stock shall not exceed the sum of twenty thousand dollars.

Limitation. § 4. On the second Monday of April, eighteen hundred and fifty-one, there shall be elected by the stockholders, or such of them as may be present, nine trustees, to manage the affairs of the corporation. Three of said trustees shall be elected for one year, three for two years, and three for three years; and on the second Monday of April in each and every year thereafter there shall be elected as afore-

Election of trustees.

said three trustees to fill the vacancy of those whose terms shall expire. Notice of said elections shall be given for ten days, either by publishing the same in a newspaper published in the town where the academy is located or by posting up notices in three public places in said town.

§ 5. The trustees of said corporation shall have authority to prescribe and regulate the course of studies to be pursued in said academy; to fix the rate of tuition and other academical expenses; to appoint instructors and such other officers and agents as may be necessary in managing the concerns of the institution, to define their duties, to fix their compensation, to displace or remove them; to erect necessary buildings; to purchase books, chemical and philosophical apparatus and other suitable means of instruction; to make rules for the general regulation of the conduct of the students; to suspend or expel any students whose habits are idle or vicious, or whose moral character is bad, or who refuses to obey the rules of the academy. Power of trustees.

§ 6. The board of trustees, at their first meeting after each election, shall choose one of their number as president, and another as secretary of the board, and some person as treasurer. Said board of trustees may meet for the transaction of business as often as the president shall direct, or on request of any three of said trustees, any five of whom shall constitute a quorum for the transaction of business. The treasurer of the institution shall always, and all other agents when required, before entering upon the duties of their appointments, give bonds for the security of the corporation, upon such conditions and in such penal sum and with such securities as the board of trustees shall approve. The secretary shall keep a record of the proceedings of all meetings of the stockholders and directors, and cause the notices of the annual elections to be given as required in section four. Officers.

§ 7. The said institution shall be open to all religious denominations, and the profession of no particular religious faith shall be required, either of officers or pupils. Religious faith not to exclude teachers or pupils.

§ 8. There shall be attached to said academy a primary department, in which shall be taught all the branches which are usually taught in common schools in this state; and said department may become and thereafter constitute the common school of the district in which said academy may be located, in manner as hereinafter provided. Primary department.

§ 9. It shall be the duty of the school directors of the district in which said academy is situated to give at least ten days' previous notice, by posting up written notices in at least three of the most public places in said district, that on the third Saturday in April, Anno Domini eighteen hundred and fifty-one, there will be a meeting held at (naming the place within the district,) for the purpose of voting for or Tax. Notice.

against a tax to be levied on the taxable property of the district, of any sum not exceeding five hundred dollars in each succeeding two years, to be applied towards erecting and furnishing the building to be erected by this corporation; at which meeting the said directors shall be judges, and shall appoint a clerk from among the legal voters present; and if a majority of the legal voters who may be present at such meeting shall vote in favor of such tax then said primary department shall be and constitute the common school of said district, and the trustees of said academy shall thenceforth constitute the school directors of said district, and shall exercise all the powers and discharge all the duties which now are or which may hereafter be conferred by law upon school directors in this state; shall receive from the school commissioner of the county or the school treasurer of the township the same proportion of money, and apply the same to the support of said primary department in the same manner as other common schools are paid and kept: *Provided*, that the teachers or instructors of the said department shall be selected by the trustees, and be under the control of the by-laws of said corporation: *And provided, further*, that if at any time said district shall be divided, or said academy shall be set off into any other district, then said department shall constitute the common school of the district in which said academy shall be located for the time being.

Proviso.

Further proviso.

Acts of trustees.

§ 10. The above named persons shall be deemed trustees until others are elected, and they are hereby empowered to appoint all necessary agents and officers whose offices shall expire with their own; and all bargains and contracts made by them and all subscriptions obtained to the stock of said corporation, together with all other acts done by them as such trustees, are hereby confirmed and made as binding on all the parties interested as if such bargain, contract, subscription and other acts had been made after the passage of this act.

Part of act suspended.

§ 11. That so much of the act entitled "An act to establish and maintain common schools," in force April thirteenth, A. D. eighteen hundred and forty-nine, as conflicts with this act, so far as relates to the school district in which said academy is or may be located, is hereby suspended. And the legislature hereby reserves to itself the right to alter, amend or repeal so much of this act as relates to said common school, whenever a majority of the legal voters of said district shall petition for such alteration, amendment or repeal.

Right to repeal.

§ 12. This act to be in force from and after its passage.
APPROVED February 17, 1851.

AN ACT to amend the charter of the town of Mount Carmel, in Wabash county.

In force, when approved by the legal voters of Mt. Carmel.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the trustees of the town of Mount Carmel, and their successors, or a majority of them, shall have full power and authority to ordain and establish such rules and regulations for their government and direction, and for the transaction of the business and concerns of the corporation, as they may deem expedient, and to ordain and establish and put into execution such by-laws, regulations and ordinances as shall seem necessary for the government of said corporation, and for the management, control, disposition and application of its corporate property, and generally to do and execute all and singular such acts, matters and things which to them may seem necessary to do, and not contrary to the laws and constitution of this state.

Powers.

§ 2. That the said trustees shall have power to levy and collect an annual tax, not exceeding one per cent., on all lots and improvements and personal property lying and being within the incorporated limits of said town, according to a valuation of its actual worth; to tax public shows and houses of public entertainment, taverns, stores, groceries, and all pedlers, whether selling their commodities by private sale or public auction, for the purpose of making and improving the public streets, lanes, alleys, causeways, side walks or foot paths and drains, and for keeping them in good condition and repair, and for the purpose of erecting such buildings and other works of public utility as the interests and convenience of the inhabitants of said town may require and the circumstances render proper and expedient; and said trustees, and their successors, may adopt such means and modes for the assessment and collection of taxes as they may from time to time fix upon and determine; and they shall prescribe the manner of selling property, when the tax levied upon it is not paid: *Provided*, no sale of any town lots or other real estate shall be made until public notice of the time and place shall be given, by advertisement in some newspaper published in or nearest to said town and at four of the most public places in said town, at least twenty days previous thereto: *Provided*, that in conducting such sale the provisions of the act concerning public revenue, so far as may be applicable, shall be complied with.

Annual tax.

Application.

Assessment and collection.

Proviso.

Further proviso.

[§ 3.] The trustees of said town, or a majority of them, shall have full power and authority to preserve good order and harmony in said town; to punish for open indecency, breaches of the peace, gambling, gaming houses, horse racing, shooting, and all disorderly houses and riotous meetings; to remove all obstructions in the streets, public ways

Power of trustees.

and drains of the said town, as well where such drains run through the lots or lands belonging to individuals as where they may run in the public streets; and shall remove all nuisances, of every kind and description whatsoever; for doing and performing all said purposes and duties they shall make such by-laws and ordinances as to them may seem expedient, and not inconsistent with any public law of this state, and impose fines for the breach thereof, which fines shall be recoverable before any justice of the peace residing in said town, in the same manner as other debts and dues are collected; and all suits and judicial proceedings under this act shall be brought in the name and style of the president and trustees of the town of Mount Carmel.

Duty of justices
of the peace.

[§ 4.] It shall be the duty of any justice of the peace residing in said town, and he is hereby authorized and empowered, upon the violation of any law or ordinance of said corporation, to issue his warrant, directed to the town constable or any authorized county officer, to apprehend the offender or offenders and bring them or him forthwith before him; and after hearing the evidence, if it shall appear that the said accused has been guilty of the violation of any such law or ordinance of the corporation, to impose such fine or imprisonment as shall be pointed out or fixed in such law or ordinance: *Provided*, such fine shall not exceed fifty dollars, and imprisonment not to exceed twenty-four hours for every five dollars of the amount of said fine: *And further provided, however*, that writs of *certiorari* and appeals shall be granted from judgments under this act, as in other civil cases; and in all criminal cases the defendant shall be entitled to an appeal to the county or circuit court, by entering into bond or recognizance, as the case may require, before the justice of the peace, within twenty days after the rendition of the judgment, with such securities and in such an amount as the justice shall think right and proper; and all fines imposed for a breach of the peace or any violation of the corporation ordinances shall be paid into the treasury of said corporation.

Proviso.

Further proviso.

Redemption of
real estate sold
for taxes.

[§ 5.] That when any town lots or real estate shall be sold for taxes, by virtue of this act, the same may be redeemed at any time within two years of the date of such sale, by the owner of said property, or his or her agent, executor or administrator, paying to the treasurer of said town, for the use of the purchaser of said property, the full amount of purchase money, with interest, at the rate of twelve per cent. per annum, together with the costs accruing thereon.

Special tax.

[§ 6.] That upon the application of the owners of more than one half of the front lots on any street, it shall be lawful for the board of trustees to levy and collect a special tax on the owners of the lots on said streets or parts of a

street, according to their respective fronts, not to exceed one per cent., for the purpose of grading and paving the said street. Object.

[§ 7.] That all ordinances of said trustees shall be fairly written out, signed by the clerk, and published in a newspaper printed in the town, or posted up at four of the most public places in said town; and no ordinance shall be in force until published, as aforesaid, at least ten days. Ordinances.

[§ 8.] The justices of the peace and constable, who are required to render services under this act, shall be entitled to the same fees and collect them in the same manner as is now or may be hereafter provided by law. Fees.

[§ 9.] That the president, or any two of the trustees, shall have power to call a meeting of the board, by giving one day's notice thereof; and a majority shall constitute a quorum to do business, but a minority shall have power to adjourn from time to time, to compel the attendance of absent members; and in the event that the notice of an election is not given, or from any other cause the annual election for trustees shall not be holden at the proper time, it shall be lawful for the late clerk of the board, or any two qualified voters in said town, at any time thereafter, to give twenty days' notice of the time and place of a special election of a board of trustees; and the board of trustees so elected at such special election shall have all the powers of a board of trustees in the same manner as if they had been elected at the regular time. Meetings of trustees. Special elections.

[§ 10.] *Be it further enacted,* That the town of Mount Carmel, through the board of trustees, are hereby authorized to subscribe to the capital stock of the Alton, Mount Carmel and New Albany railroad company an amount not exceeding one hundred thousand dollars, also an amount not exceeding one hundred thousand dollars to the capital stock of the Mount Carmel Manufacturing company; and for the purpose of paying such subscription said town of Mount Carmel, through its board of trustees, are hereby authorized to make and issue the bonds of said town, bearing a rate not exceeding ten per cent. per annum, payable to either of the said companies, or any other person or persons or body corporate or other agent whom said companies, or either of them, may appoint to receive the same: *Provided, however,* whenever such subscription is proposed to be made, it shall be the duty of the trustees of the said town of Mount Carmel to order a vote of the taxable inhabitants and legal voters of the said town, who are entitled to vote in said town, by publication of notice in a public newspaper, if one be printed in said town, or by posting said notices in four of the most public places in said town; said notice setting forth and stating that upon a certain day, not less than twenty days from such publication, that a vote Subscriptions to railroads. Proviso.

of the taxable inhabitants and all legal voters of the town of Mount Carmel will be held, to decide whether the town of Mount Carmel shall make such subscription as proposed by the board of trustees; said publication stating the amount proposed to be subscribed, the company and the amount and terms of the bonds proposed to be issued. Said vote shall be taken by ballot, at the usual place of election; and if the majority of the votes cast shall be in favor of the proposition of the common council, then the subscription shall be made, otherwise the board of trustees shall proceed no further with the same.

When act to be
in force.

[§ 11.] This act is not to take effect and become a law until the legal voters of the said town of Mount Carmel, authorized to vote for town officers, shall have accepted this act amending the charter or act of incorporation of said town, by a vote of a majority of all the persons who shall vote for or against the acceptance and adoption of this act as a part and parcel of the charter or act of incorporation of said town of Mount Carmel; an election for which purpose shall be held whenever the board of trustees shall give twenty days' notice thereof, by publication in the newspaper printed in said town, and by posting up notices thereof in at least four public places therein; at which election this amendment to the charter or act of incorporation of said town of Mount Carmel is to be adopted or rejected.

APPROVED Feb. 17, 1851.

DEPARTMENT OF STATE,

State of Illinois.

I, DAVID L. GREGG, secretary of state of the state of Illinois, hereby certify the foregoing to be true and perfect copies of the enrolled laws deposited in this office; the words printed in brackets, thus [], in the several laws in which they occur, not being in the enrolled laws, but are introduced for the purpose of correcting and explaining the same.

In testimony whereof, I have hereunto subscribed my name, at Springfield, this 25th day of June, 1851.

DAVID L. GREGG,

Secretary of State.

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Wood River Coal Mining company. See Incorporations,	-	285

BIENNIAL REPORT

OF THE

TREASURER OF ILLINOIS.

TREASURER'S OFFICE, ILLINOIS,
Springfield, Dec. 9, 1850.

*To the Honorable,
the Speaker of the House of Representatives :*

SIR: In obedience to the provisions of law, I have the honor to furnish the following report of the receipts and expenditures of the public money.

The annexed statements exhibit the total amount of receipts and disbursements on each account with which the treasurer is chargeable, from the first day of December, 1848, to the 30th day of November, 1850, both days inclusive; as also the amount in the treasury at the close of my last biennial report.

The total receipts for revenue purposes are \$418,663 65, and the total payments are \$390,085 24, leaving a balance in the treasury, on the 30th Nov., of \$28,578 41. The receipts of the constitutional tax for the payment of the state debt are \$165,788 81, all which is subject to the order of the executive from and after the 1st day of January, 1851.

The total receipts of interest fund are \$297,156 14, the total payments are \$263,034 50; leaving a balance in the treasury of \$34,121 64 to apply on the next semi-annual instalment.

The total receipts of Insane Hospital tax are \$40,553 88, and total payments \$40,321 80, leaving a balance of this fund in the treasury of \$232 08.

The total receipts for the Institute for the Blind are \$9,374 33, the total payments are \$8,000 00; leaving a balance of \$374 33.

A statement is also submitted showing the annual receipts, and the payments from the treasury of the interest and the Insane Hospital funds, respectively, from the dates of their collection to the 30th November, 1850. The aggregate receipts of both funds are \$645,575 41, and the aggregate payments from the treasury are \$611,221 69.

Of the \$16,484 38 revenue due from the treasurer on the 30th of November, 1848, the sum of \$2,270 57 was paid into the treasury by the administrator of Milton Carpenter, deceased, late treasurer, in auditor's warrants, leaving a balance in specie of \$14,213 81, to be disbursed under the provisions of "an act

making partial appropriations," approved January 11, 1849. From this latter amount the sum of \$13,956 94 was paid, as follows:

To executive officers, including auditor's clerks and secretary			
to the fund commissioner,	-	-	\$1,971 00
To the judiciary, including prosecuting attorneys,	-	-	3,000 00
To senators, representatives and legislative officers,	-	-	8,260 70
To the public printer,	-	-	200 00
For postage and freight,	-	-	420 24
To laborers,	-	-	100 00

By the provisions of "an act concerning the public debt," approved Feb. 12, 1849, the school funds received from the general government are no longer paid into the state treasury to be used as revenue, but are very properly applied to their appropriate object, that of establishing a permanent fund for educational purposes. This fund being withdrawn from the treasury, leaves the entire expenses of the state government, as also that of all special appropriations made hereafter by the legislature, to be paid from the proceeds of the two mill tax, which is now assessed and collected for revenue purposes. The latter fund alone, however, is ample, and, from its proceeds, after paying for stationery, fuel and other demands for the public use for the ensuing two years, for the first time since the formation of our state government, we have in the treasury a sum equal to, and which will be applied, for defraying the expenses of the present session of the general assembly.

If the revenue of 1850 shall be paid in with reasonable promptness, and the larger appropriations be distributed at intervals through each year, so that extensive demands against the treasury may not occur earlier than the months of June or July, it is believed that the treasurer will then be able to pay off all warrants when presented at the counter, and thereby prevent the losses that heretofore have occurred to the state and to individuals.

The increasing duties and pecuniary responsibilities of the treasury department, now require the assistance of a trustworthy and competent clerk. The necessity of providing by law for the payment of such a clerkship in the treasurer's office is, with great deference, submitted to the wisdom of the legislature.

JOHN MOORE, *Treasurer.*

STATEMENT of monthly receipts for revenue purposes.

Date.	Sheriffs and collectors.	Quincy house rents and pedlars' license.	Clerks and Quincy house insurance.	Clerks' fees for lands sold and redeemed.	Fees, fines and semi-annual lands.	Total for revenue purposes.
1848.						
December 31, 1849.	\$1203 22	\$387 50	-	-	\$ 50 00	\$1640 72
January 31,	17,712 23	-	\$26 67	-	-	17,738 90
February 28,	9973 46	-	-	60 52	-	10,033 98
March 31,	8834 99	-	-	46 08	-	8881 07
April 30,	14,412 62	2000 00	196 67	-	-	16,609 29
May 31,	14,442 94	-	-	-	-	14,442 94
June 30,	49,104 42	-	-	104 65	20 50	49,221 57
July 31,	21,621 18	-	150 00	109 50	-	21,890 43
August 31,	13,178 86	-	-	-	-	13,178 86
September 30,	8805 16	-	300 00	53 00	-	9158 16
October 31,	12,832 07	75 00	-	53 00	-	12,960 07
November 30,	11,657 24	75 00	413 73	100 00	872 00	13,117 97
December 31, 1850.	183,778 30 1833 38	2537 50 100 00	1087 07 42 22	526 75 4 24	952 25 -	188,881 87 2029 84
January 31,	7319 75	350 00	-	135 61	299 06	8104 42
February 28,	13,705 09	-	66 00	-	-	13,771 09
March 31,	18,316 29	100 00	-	35 12	100 00	18,551 41
April 30,	19,008 95	50 00	1000 00	-	-	20,058 95
May 31,	10,021 23	150 00	-	180 00	-	10,351 23
June 30,	58,032 68	100 00	100 00	117 68	-	58,350 36
July 31,	34,287 40	50 00	216 61	19 50	-	34,573 51
August 31,	14,099 64	-	-	-	50 00	14,149 64
September 30,	6502 20	100 00	-	127 11	-	6729 31
October 31,	8847 20	50 00	-	43 00	50 00	8990 20
November 30, 1848.	17,287 35	50 00	-	-	300 00	17,637 35
December 1, 1848.	-	-	-	-	-	16,484 28
	\$393,089 55	\$3637 50	\$2511 90	\$1189 01	\$1751 31	\$418,663 64

Date.	State debt.	Interest.	Hospital tax.	Blind Institute.	Total specie rec'pts.	Total revenue and specie receipts.
1848. December 31,	-	\$465 40	\$ 46 46	-	\$ 511 86	\$ 2152 88
1849. January 31,	-	10,363 50	1236 21	-	11,599 71	29,338 61
February 28,	-	6927 31	560 42	-	7487 73	17,521 71
March 31,	-	6001 43	1265 61	-	7267 10	16,148 17
April 30,	-	7077 74	672 53	-	7750 27	24,267 56
May 31,	-	8821 27	1607 28	-	10,428 56	24,871 49
June 30,	-	42,544 29	6174 63	-	48,718 92	97,948 40
July 31,	-	18,640 10	2919 28	-	21,559 38	48,449 81
August 31,	-	8962 65	1236 82	-	10,199 47	23,378 33
September 30,	-	7425 49	314 93	-	7710 42	16,898 68
October 31,	-	11,677 93	1478 16	-	13,156 09	26,116 16
November 30,	-	8316 70	1011 34	-	9328 04	22,446 01
December 31,	-	137,223 87	18,523 67	-	155,747 54	344,629 41
1850. January 31,	-	890 72	179 06	-	1069 77	3098 61
February 28,	\$2138 70	5839 26	775 11	\$ 181 93	8935 00	17,039 42
March 31,	2500 00	8156 20	2048 79	617 99	14,122 98	27,894 07
April 30,	11,829 09	15,538 74	3216 19	1420 32	32,005 34	50,556 75
May 31,	4344 22	14,971 17	2185 64	916 57	22,417 60	42,476 55
June 30,	6699 00	13,966 97	1769 90	708 00	23,113 87	33,465 10
July 31,	63,907 51	39,564 95	4902 48	2327 37	105,702 31	164,082 67
August 31,	34,934 07	29,121 42	3505 61	1691 51	69,252 61	103,826 12
September 30,	13,461 05	8210 47	1205 70	684 16	23,561 38	37,711 02
October 31,	6182 54	4463 50	409 22	183 57	11,238 83	17,968 14
November 30,	6804 60	5021 92	1007 15	350 70	13,184 37	22,174 57
December 1,	18,018 03	12,556 70	569 92	292 21	31,456 86	49,094 21
	-	829 25	235 45	-	1064 70	17,549 08
	\$ 165,788 81	\$ 297,156 14	\$ 40,563 88	\$ 9,374 83	\$ 512,373 16	\$931,536 81

State Treasurer in account with the State of Illinois.

Dr. ON ACCOUNT OF REVENUE.			
To balance in the treasury on the 1st December, 1848,	-	-	\$16,484 38
To amount received from sheriffs and collectors for taxes from the first of December, 1848, to the 30th November, 1850, inclusive,	-	-	394 089 55
To amount for hawkers' and pedlers' licenses and for Quincy House rent,	-	-	3637 50
To amount received for premiums on insurance companies, and for Quincy House insurance refunded,	-	-	2511 90
To amount received from clerks for lands sold and redeemed,	-	-	1189 01
To amount for fees, fines and sales of seminary lands,	-	-	1751 31
			418,663 65
Cr.			
By amount of auditor's warrants received for revenue, cancelled and deposited in the auditor's office from the 1st day of December, 1848, to the 30th November, 1850, inclusive,	-	-	279,888 80
By interest on the same,	-	-	176 15
By amount of certificates for interest on the school, college and seminary funds, received for revenue and cancelled,	-	-	110,020 29
			3 0,085 24
To amount to balance,	-	-	28,578 41
Dr. ON ACCOUNT OF STATE DEBT.			
To amount received to the 30th of November, 1850, inclusive,	-	-	165,788 81
Dr. ON ACCOUNT OF THE INTEREST FUND.			
To balance in the treasury 1st December, 1848,	-	-	829 25
To amount received from the 1st Dec., 1848, to 30th Nov., 1850, inclusive,	-	-	296,326 89
			297,156 14
Cr.			
By amount paid on warrants drawn by the governor, from December 1st, 1848, to November 30, 1850,	-	-	263,034 50
To amount to balance,	-	-	34,121 64
			297,156 14
Dr. INSANE HOSPITAL TAX.			
To balance in the treasury, 1st December, 1848,	-	-	235 45
To amount received from 1st Dec., 1848, to 30th Nov., 1850, inclusive,	-	-	40,318 43
			40,553 88
Cr.			
By amount paid on warrants drawn by the governor, from December 1st, 1848, to November 30th, 1850,	-	-	40,321 80
To amount to balance,	-	-	232 08
			40,553 88
Dr. INSTITUTE FOR THE BLIND.			
To amount received to the 30th November, 1850, inclusive,	-	-	9374 33
Cr.			
By amount paid on warrants drawn to Nov. 30, 1850,	-	-	8000 00
To amount to balance,	-	-	1374 33
			\$9374 33

STATEMENT of monthly credits by Auditor's receipts.

Date.	Auditor's receipts.	Revenue.	Interest fund.	Hospital tax.	Blind Institute.
1848. December,	By aud. receipt.	\$ 1789 60			
1849. January,	"	24,688 76	\$ 4545 00	\$800 00	
February,	"	17,835 49			
March,	"	10,161 18	3040 00	1900 00	
April,	"	10,714 53	15,200 00	640 00	
May,	"	17,568 18	466 82	1044 00	
June,	"	54,202 67	52,559 67	4537 80	
July,	"	19,934 92	3000 00	3000 00	
August,	"	13,278 93	25,062 50		
September,	"	9888 30	4611 17	1000 00	
October,	"	13,632 45	12,000 00	2000 00	
November,	"	11,282 29	-	1000 00	
December,	"	2261 57	15,000 00	1000 00	
1850. January,	"	7848 48	-	1000 00	
February,	"	13,489 53			
March,	"	18,674 09			
April,	"	19,571 39	36,004 54	2000 00	
May,	"	10,249 04	15,545 00	5000 00	\$3000 00
June,	"	48,676 14	11,300 00	-	5000 00
July,	"	22,584 10	15,000 00	4000 00	
August,	"	14,777 89	-	4000 00	
September,	"	6624 28	49,700 00	3000 00	
October,	"	9929 43	-	2000 00	
November,	"	10,459 00	-	2400 00	
		\$390,085 24	\$263,034 50	\$40,321 80	\$8000 00

Amount of cancelled Auditor's warrants, interest on the same, and school certificates received monthly, and returned to the Auditor's office.

Date.			Auditor's war- rants.	Interest.	School certif.	Aggregate.
1848.	December,	-	\$1489 58	-	\$ 300 02	\$1789 60
1849.	January, -	-	19,613 64	\$51 62	4963 50	24,628 76
	February, -	-	14,707 58	-	3147 91	17,855 49
	March, -	-	7556 07	-	2608 11	10,164 18
	April, -	-	7585 24	-	3129 29	10,714 53
	May, -	-	13,958 52	1 90	3607 76	17,568 18
	June, -	-	37,147 00	-	17,055 67	54,202 67
	July, -	-	14,318 23	5 40	5611 29	19,934 92
	August, -	-	8664 68	42 83	4571 42	13,278 93
	September, -	-	8242 54	-	1645 76	9888 30
	October, -	-	7906 92	20 23	5705 30	13,632 45
	November, -	-	9451 41	-	1830 88	11,282 29
			150,641 41	121 98	54,176 91	204,940 30
1850.	December, -	-	2261 57	-	-	2261 57
	January, -	-	5500 00	-	2348 48	7848 48
	February, -	-	9587 14	42 40	3859 99	13,489 53
	March, -	-	12,074 92	-	6599 17	18,674 09
	April, -	-	14,752 97	-	4818 42	19,571 39
	May, -	-	6945 00	94	3303 10	10,249 04
	June, -	-	32,345 11	10 83	16,320 20	48,676 14
	July, -	-	13,385 53	-	9198 57	22,584 10
	August, -	-	10,081 34	-	4696 55	14,777 89
	September, -	-	4685 52	-	1938 76	6624 28
	October, -	-	7829 41	-	2100 02	9929 43
	November, -	-	9798 88	-	660 12	10,459 00
			\$ 279,848 80	\$176 15	\$110,020 29	\$390,085 24

ANNUAL RECEIPTS.

ANNUAL PAYMENTS.

ANNUAL RECEIPTS.				ANNUAL PAYMENTS.			
Date.	Interest.	Hospital.	Aggregate.	Date.	Interest.	Hospital.	Aggregate.
1846, -	\$62,024 33	-	\$62,024 33	1846, -	\$62,000 00	-	\$ 62,000 00
1847, -	111,139 94	-	111,139 94	1847, -	91,486 76	-	91,486 75
1848, -	123,803 96	\$11,961 84	135,765 82	1848, -	142,653 25	\$11,726 39	154,379 64
1849, -	137,223 87	18,523 67	155,747 54	1849, -	120,484 98	15,921 80	136,406 76
1850, -	199,103 02	21,794 76	180,897 78	1850, -	142,549 54	24,400 00	166,949 54
	\$593,286 14	\$52,280 27	\$645,575 41		\$559,173 50	\$52,048 19	\$ 611,221 69

BIENNIAL REPORT
OF THE
AUDITOR OF PUBLIC ACCOUNTS,
OF THE
STATE OF ILLINOIS.

AUDITOR'S OFFICE, ILLINOIS,
Springfield, December 1, 1850.

To the General Assembly of the State of Illinois :

I have the honor to submit the following report of the receipts and disbursements, during the fiscal term ending November 30, 1850, with such other tables and statements as are deemed proper ; which are presented in the following order :

1. A statement of the receipts and expenditures.
2. A general statement of warrants drawn upon the treasury.
3. A detailed statement of warrants drawn upon the contingent fund.
4. A detailed statement of warrants issued, showing on what appropriation, and to what account charged.
5. A statement of the school, college, and seminary fund, and amount of state indebtedness purchased.
6. A statement of the redemption money, received from minor heirs.
7. A statement of the treasurer's account.
8. A table showing the condition of the state internal improvement lands.
9. A table showing the condition of the public lands.
10. Appendix, containing a comparative statement of the assessments in the several counties for the years 1839 to 1849, inclusive; also the amount of interest on the school, college and seminary funds, paid for said years.

In making this report to the general assembly, it affords me pleasure to say that the finances of the state are in a more favorable condition than they have been for some years past. The insufficiency of the revenue to meet the liabilities for the ordinary expenses of the government, for some years, has subjected the state, as well as individual

creditors, to a heavy expense and actual loss, by the depreciation of warrants drawn upon the treasury. Articles furnished, postage bills, and work done for the state, had to be paid for in cash, or its equivalent, and the state, paying in warrants, had to pay an advance of from ten to thirty per cent. over the cash value of the articles furnished, or the labor hired. The treasury being now in a condition to meet all liabilities for ordinary expenses, it is to be hoped that it will continue so, and that such a state of affairs will not occur again; and that such a degree of economy in the public expenditures will be observed, as will not only enable the treasury promptly to meet the expenses of the state government, but, in a short time, justify a reduction of the taxes levied for that purpose.

The receipts of the treasury during the last two years, exceed the amount of expenditures during the same time \$76,053 00, and the outstanding warrants, and scho I certificates on the 1st day of December, 1848, (after deducting for error in the amount of certificates reported,) amounted to the sum of \$64,633 06, leaving a balance in the treasury, after paying the warrants and certificates then, and now, outstanding, of \$11,419.94. To that amount may be added the sum of \$20,000 due from collectors on accounts of 1849, and prior years, which, it is estimated, and expected, will be collected in a short time. A large amount of the balances remaining unpaid on the revenue and special state taxes, as shown by table annexed to this report, will, it is feared, be finally lost. The collection of a large portion of the balances due may, at least, be considered doubtful.

STATEMENT of Receipts and Expenditures from the 1st day of December, 1848, to the 30th day of November, 1850, both days inclusive.

RECEIPTS.

Taxes collected and paid over by collectors on real and personal property assessed in the year 1847, and prior years, for revenue purposes, - - - -	\$32,736 74
Taxes collected and paid over by collectors on real and personal property assessed in the year 1848, for revenue purposes, - - - -	189,288 33
Taxes collected and paid over by collectors on real and personal property assessed in the year 1849, for revenue purposes, - - - -	171,034 89
Taxes on forfeited property, collected and paid over by clerks of county courts, for revenue purposes, - - - -	1,043 57
Amount paid into treasury for hawkers' and pedlers' licenses, - - - -	1,687 50
Amount paid into the treasury for tax on insurances, - - - -	1,269 68
Amount paid into the treasury for fines imposed for peddling without license, - - - -	150 00
Amount paid into the treasury for rent and insurance of the Quincy House, - - - -	3,300 00

Amount paid into the treasury for seminary lands sold,	1,571, 06
Amount paid into the treasury on account of escheated lots in Lewistown, (after deducting \$2 50 paid for advertising sale, &c.,) - - - -	97 50
	<hr/> 402,179 27 <hr/>

EXPENDITURES.

Amount of warrants drawn upon the treasury for the ordinary expenses of the government, - -	137,196 16
Amount of warrants drawn upon the treasury for special appropriations and expenditures, - -	78,436 90
Amount of warrants drawn upon the treasury for the interest on the school, college and seminary fund, due Deaf and Dumb Asylum, - - -	4,618 98
Amount of interest paid on old warrants - -	176 15
Amount of certificates issued to school commissioners for interest on the school, college and seminary fund, due the several counties for the years 1848 and 1849, - - - - -	105,698 08
Total amount of expenditures, - - -	<hr/> 326,126 27 <hr/>
Revenue received into the treasury over the amount of disbursements, - - - - -	<hr/> 76,053 00 <hr/>

SPECIAL TAXES.

Amount of interest fund tax received into the treasury, as shown by the treasurer's receipts, from the 1st December, 1848, to the 30th November, 1850, in- clusive, - - - - -	296,326 89
Amount of interest fund tax paid out during the same time, - - - - -	263,034 50
Amount received over the amount paid out, - -	<hr/> 33,292 39 <hr/>
Amount of Insane Hospital tax received into the treasu- ry from the 1st of December, 1848, to the 30th of November, 1850, inclusive, as shown by treasurer's receipts, - - - - -	40,318 43
Amount of Insane Hospital tax paid out during the same time, \$43,840 19, from which deduct the sum of \$3,518 39, as per report of 1848, - - -	40,321 80
Amount paid out over the amount received, - -	<hr/> \$ 3 37 <hr/>

Amount of tax for the institution for the education of the blind, received into the treasury as is shown by the treasurer's receipts,	-	-	-	-	9,374 33
Amount paid out up to the 1st December, 1850,	-	-	-	-	8,000 00
Amount received over the amount paid out,	-	-	-	-	<u>1,374 33</u>

The amount of \$40,321,80 paid out on the Insane Hospital fund, as shown by the foregoing statement, includes the sum of \$537 80, for which a warrant was issued prior to the 1st day of December, 1848, and which had not been paid at that date.

The amount paid into the treasury for special taxes, as shown in the foregoing statement, corresponds with the amount set forth in the treasurer's receipts, but will vary a little upon a final adjustment of the accounts. Payments into the treasury are sometimes erroneously made by collectors, who frequently make payments before they have had their delinquent lists allowed; or, when they come to settle their accounts, it is found that the reports made to this office are incorrect, and sometimes, after accounts are adjusted, errors are discovered, and a portion of the amounts paid into the treasury have to be refunded. Such occurrences are, to some degree, unavoidable, and are the result of incorrect returns to this office. It is hoped, however, that in a short time the papers necessary to an adjustment of the unsettled accounts, will be received when a correct statement of the amounts received upon each fund will be made out.

It is estimated that of the balances due and now outstanding on the special state taxes, there will be collected in a short time the following amounts :

Of the state debt tax	-	-	-	\$28,000 00
Of the interest fund tax	-	-	-	20,000 00
Of the Insane Hospital fund,	-	-	-	12,000 00
Of the fund for the blind,	-	-	-	300 00

A GENERAL STATEMENT of the amount of warrants drawn upon the Treasurer, from the 1st day of December, 1848, to the 1st day of December, 1850, and charged to the following accounts :

To what account charged.	Amount.
Auditor of public accounts, - - - - -	\$4,443 29
Attorney general, - - - - -	151 60
Appropriations, general, - - - - -	11,428 62
Advertising delinquent lands, - - - - -	1,472 39
Clerks' fees on lands, - - - - -	223 28
County assessors, - - - - -	23 75
County tax on forfeited lands redeemed, - - - - -	315 49
Conveying convicts to the penitentiary, - - - - -	10,916 55
Contingent fund, - - - - -	5,557 67
District court of the 3d judicial circuit, - - - - -	159 20
Distribution of the laws and journals, - - - - -	840 60
Fugitives from justice, - - - - -	933 50
Governor of the state of Illinois, - - - - -	3,549 52
General assembly, - - - - -	26,777 20
Incidental expenses, - - - - -	1,963 21
Judiciary, 1st circuit, - - - - -	2,891 44
do 2d do - - - - -	2,231 72
do 3d do - - - - -	2,200 46
do 4th do - - - - -	3,318 71
do 5th do - - - - -	2,466 61
do 6th do - - - - -	3,129 11
do 7th do - - - - -	2,379 11
do 8th do - - - - -	1,559 11
do 9th do - - - - -	2,219 11
do 10th do - - - - -	752 77
do 11th do - - - - -	1,652 96
do Cook county court, - - - - -	978 00
do Cook and Jo Daviess county court, - - - - -	512 50
do 1st division of the supreme court, - - - - -	2,190 16
do 2d " " - - - - -	2,390 16
do 3d " " - - - - -	2,290 16
Money refunded, - - - - -	684 56
Militia of the state of Illinois, - - - - -	965 00
Office of the executive, - - - - -	535 70
Office of the auditor of public accounts, - - - - -	2,283 60
Office of the secretary of state, - - - - -	1,286 29
Office of the state treasurer, - - - - -	133 70
Porter of the state-house, - - - - -	666 75
Public printing, - - - - -	10,900 09
Public binding, - - - - -	2,824 34
Prosecuting attorney of the Cook county court, - - - - -	437 49
Prosecuting attorney of the Cook and Jo Daviess county court, - - - - -	100 00
Redemption money by minor heirs, - - - - -	549 01
Secretary of state, - - - - -	1,526 07
Secretary of the fund commissioner, - - - - -	712 00
State's attorney, 1st circuit, - - - - -	752 94
do 2d do - - - - -	540 44
do 3d do - - - - -	656 44
do 4th do - - - - -	412 94
do 5th do - - - - -	477 94
do 6th do - - - - -	538 94
do 7th do - - - - -	727 94
do 8th do - - - - -	422 94
do 9th do - - - - -	597 94
do 10th do - - - - -	191 65
Supreme court, 1st division, - - - - -	1,257 95
do 2d do - - - - -	2,083 03
do 3d do - - - - -	1,079 60

General Statement—Continued.

To what account charged.	Amount.
Treasurer of the state of Illinois,	\$ 1,919 82
Wolf scalps, - - - - -	13 00
Appropriation, special,	26,944 51
Appropriation to pay the interest on liquidation bonds,	3,762 25
State-house appropriations,	7,757 87
Transcribing and correcting record books, - - - - -	6,167 27
Illinois Institute for the Education of the Deaf and Dumb,	35,353 98
Governor in account with the Insane Hospital,	43,302 39
Interest fund, - - - - -	263,034 50
Illinois Institute for the Education of the Blind, - - - - -	11,000 00
Total amount of warrants issued, - - - - -	534,588 93
Certificates issued for interest on the school, college and seminary fund, -	105,698 08
Total amount drawn upon the treasury, - - - - -	\$ 640,287 01

A STATEMENT of the amount drawn from the Treasury, on account of the Contingent Fund, from the 1st day of December, 1848, to the 1st day of December, 1850.

Date.	To whom paid, and on what account.	Amount.
1848 December 11	To warrants to P. B. Fouke, for expenses incurred in injunction case <i>vs.</i> St. Louis, Mo., -	\$ 50 00
" 16	To warrants to E. Barber, for his services as secretary in taking deposition in case of State Trustees <i>vs.</i> Chief Engineer Illinois and Michigan Canal, -	4 50
" 18	To warrants to Tinsley & Co., for charges and advances on articles received for use of executive office, -	17 60
" 19	To warrants to Michael Kehor, for his services in examination in case of State Trustees Illinois and Michigan Canal <i>vs.</i> Chief Engineer, -	3 50
1849 January 19	To warrants to I. Curran, for his services as special messenger to McLean county, -	18 00
" 24	To warrants to P. B. Fouke, for his services in supreme court in dyke case, and expenses incurred by him for same, -	150 00
" 26	To warrants to L. Trumbull, for legal services in case of the State <i>vs.</i> the City of St. Louis, -	100 00
" 26	To warrants to E. Keating, for legal services in the case of the State <i>vs.</i> the City of St. Louis, -	150 00
" 30	To warrants to B. C. Webster & Co., for expenses in returning state bonds from New York to Springfield, March, 1848, -	30 00
February 3	To warrants to A. C. French, for freight on boxes and books, -	15 00
" 13	To warrants to D. W. Hopkins, for his services and expenses as an officer, in arresting the completion of the dyke opposite St. Louis, -	360 00
" 14	To warrants to J. R. Diller, P. M., for postage on letters, documents and papers, for members of the general assembly, session 1849, -	2,341 81
" 16	To warrants to L. Harper, for advertising notice of sale of saline lands in Weekly Post, -	6 67
March 10	To warrants to B. P. Hinch, for his services in appraising the Gallatin saline lands, under an appointment from governor, -	18 00
" 10	To warrants to P. L. Ward, for his services in appraising Gallatin saline lands, under an appointment from governor, -	18 00
" 27	To warrants to A. C. French, in part, for amount paid for engraving canal bonds, purchasing paper for bonds, &c., -	600 00
" 27	To warrants to Matteson & Preston, for freight and expenses on cancelled bonds, books, &c., -	20 00
April 4	To warrants to Solomon Skelton, for his services as surveyor of Gallatin county, in assisting appraisers in dividing coal lands, &c., -	6 50
" 19	To warrants to B. C. Webster, for expenses, freight, &c., in transporting canal bonds to and from New York city, -	20 00
May 24	To warrants to J. Bunn, for paper furnished by him for the state for public printing, -	457 00
" 25	To warrants to James Gordon, for his services in appraising seminary lands in Edgar county, in 1849, -	2 00
" 30	To warrants to H. Crittenden, for eighty reams printing paper, furnished by him for public printing, April 19, 1849, -	447 52

Statement—Continued.

Date.		To whom paid, and on what account.	Amount.
1849	June 23	To warrants to M. Brayman, for his services in preparing bonds from city of St. Louis, concerning St. Louis harbor, - - -	\$ 7 00
	July 13	To warrants to Robert Tyrell, for his services in transporting a cannon for use of an artillery company, June, 1849, - - -	26 25
	August 2	To warrants to A. C. French, for freight and charges on box by Sangamon and Morgan railroad company, July 28, 1849, - - -	6 85
	" 27	To warrants to A. C. French, for freight and charges on package by Sangamon and Morgan railroad company, August 24, 1849, - - -	2 65
	September 17	To warrants to H. S. Cooley, for his expenses in going to St. Louis to purchase paper for the laws of 1849, - - -	17 49
1850	March 9	To warrants to John Cunningham, for services of S. Simpson, in building cannon house, August 28, 1849, - - -	15 00
	April 11	To warrants to E. B. Pease & Bro., for hinges and rivets, furnished Cradock, for building cannon house, August 28, 1849, - - -	3 47
	" 16	To warrants to Asa Eastman & Co., for lumber to build house for cannon and state arms, August 20, 1849, - - -	21 96
	" 23	To warrants to John Cradock, for rent of rooms for state arms, from Dec. 3, 1848, to April 3, 1850, - - -	100 00
	May 4	To warrants to W. I. Ferguson, for his professional services in the case of B. C. Webster <i>et al. vs.</i> A. C. French <i>et al.</i> , - - -	25 00
	" 27	To warrants to J. W. Armstrong, agent, for advertising state lands for sale in Journal of Commerce, in 1843, - - -	30 50
	July 27	To warrants to W. I. Ferguson, for his professional services as a lawyer in behalf of the state, - - -	50 00
	" 29	To warrants to Adam Johnson, for finishing and preparing stone for Washington monument, - - -	205 26
	August 5	To warrant to Edward Richardson, for his services in making box for stone for Washington monument, - - -	2 00
	" 5	To warrant to A. & H. Beidler, for lumber furnished for making box for stone for Washington monument, - - -	1 75
	" 9	To warrants to Wm. Mowrer, for making truck for and boxing stone for Washington monument, - - -	8 00
	" 15	To warrants to Isaac R. Diller, for his services and expenses in New York city, in relation to McAlister & Stebbins bonds, - - -	72 31
	October 8	To warrants to A. C. French, to amount paid for dispatches and express packages for the state, - - -	9 40
	" 8	To warrants to Thos. H. Campbell, to amount paid for dispatches to and from St. Louis, in regard to work on state-house, - - -	1 18
	November 8	To warrants to Hawley & Loose, for the services of J. T. Stuart in the suit of the State <i>vs.</i> Securities of Compher, collector of Peoria county, - - -	25 00
	" 8	To warrant to A. Lincoln, for his services in suit of the State <i>vs.</i> the Securities of Compher, collector of Peoria county, - - -	25 00
	" 18	To warrants to B. C. Webster, for his services in adjusting interest account with Messrs. Wadsworth & Sheldon, in New York, - - -	50 00

Statement—Continued.

Date.	To whom, and on what account paid.	Amount.
1850, November 21	To warrants to J. E. Jackson, for freight on four boxes United States arms, per Sangamon and Morgan railroad company, for state, - -	\$15 50
	Total, - - - -	\$5.557 67

[2]

DETAILED STATEMENT of the warrants drawn upon the Treasury during the fiscal term commencing on December 1, 1848, and ending on November 30, 1850, showing on what appropriation, and to what account charged.

APPROPRIATIONS, SPECIAL.

Amount paid for expenses of the Mormon war under old appropriations, -	\$119 88
“ for do do under appropriation 1849, -	4,037 66
“ for do Massac county difficulties, do do -	1,203 82
“ refunding fine, - do do -	128 75
“ on account of the Northern Cross railroad, do do -	3,734 00
“ for distribution of the journals of the convention, and making index. App. 1849, -	854 60
“ for distribution of the constitution. do -	500 00
“ for translating the constitution. do -	180 00
“ for expenses &c. of select committee in visiting penitentiary. do -	106 70
“ for assistant secretary of state. do -	138 00
“ for superintending the printing of the revised statutes, do -	800 00
“ for binding the revised statutes. do -	869 00
“ agent to fund commissioner. do -	261 00
“ chaplains to general assembly. do -	126 00
“ for books for use of the law library, 2d division of the supreme court. do -	500 00
“ for law library, for the 1st and 3d divisions of the supreme court. do -	5,000 00
“ for assessing property in Cook county. do -	75 00
“ for advertising delinquent land list in Hancock co. do -	220 20
“ state house commissioner. do -	756 00
“ for 499 vols. real estate statutes, compiled by N. H. Purple. do -	1,197 00
“ Morgan county, money refunded. do -	677 50
“ for indexing laws and journals. do -	200 00
“ for copying laws for publication in newspapers. do -	50 00
“ for postage on public documents. do -	32 40
“ for powder in Mormon war. do -	175 00
“ George Peabody's claim. do -	4,481 52
“ for articles furnished for use of general assembly. do -	98 82
“ for making tax sale records. do -	266 66
“ for warrants destroyed. do -	15 00

26,994 61

APPROPRIATIONS, GENERAL.

Amount paid for mileage of electors of president and vice president. R. S. -	270 90
“ for bringing election returns. do -	86 40
“ for repairing governor's house. App. 1847, -	188 63
“ do do 1849, -	66 57
“ for repairing the state arms. 1847, -	223 75
“ for services of librarian. do -	200 00
“ for closing up sinks in the basement of state-house. 1849, -	35 35
“ salary, and expenses of the interest fund agent. do -	2,787 23
“ for subscription for Niles' Register, - do -	31 30
“ inspectors of the penitentiary. 1847, -	225 00
“ publishing notices, &c. 1849, -	150 87
“ widow and heirs of John Norris, dec'd. 1845, -	50 00
“ for fuel, sawing wood, &c. 1849, -	1,255 24
“ for 476 vols. of Gilman's reports. R. S. -	2,380 00
“ for 150 vols. Peck's reports. do -	750 00
“ for repairing representatives' hall, senate chamber, and committee rooms for general assembly. do -	354 78
“ for stationery, printing paper, and for the use of the general assembly. 1849, -	2,372 60

11,423 62

Detailed Statement—Continued.

ADVERTISING DELINQUENT LANDS.		
Amount paid for advertising delinquent lands.	App. 1847, -	\$1,472 39
CONTINGENT FUND.		
Amount paid on the order of the governor for contingent expenses unprovided for by law.	1849, -	5,557 67
CORRECTING RECORDS.		
Amount paid for making record of taxable lands for counties.	1847, -	5,132 61
“ for comparing and correcting the land records.	1849, -	1,034 66
Total,	- - - - -	6,167 27
CONVEYING CONVICTS.		
Amount paid for conveying convicts to the penitentiary.	Rev. St. -	10,916 55
CLERKS' FEES.		
Amount paid clerks for transcripts of tax sales furnished the auditor's office.	do -	223 28
COUNTY ASSESSORS.		
Amount paid for assessing property in Williamson county for 1844.	do -	23 79
DISTRICT COURT.		
Amount of fees paid clerk, jurors, witnesses, &c, in the district court of the 3d judicial circuit.	App. 1847, -	159 23
DISTRIBUTING LAWS.		
Amount paid for distributing laws, journals, &c., of session 1849.	1849, -	840 00
FUGITIVES FROM JUSTICE.		
Amount paid sheriffs and others for expenses in the apprehension and delivery of fugitives from justice.	Rev. Stat. -	933 50
GENERAL ASSEMBLY.		
Amount paid for stationery, printing paper, fuel, &c., purchased for use of the general assembly, sess. 1849.	R. S. app. 1849, -	1,839 15
“ for repairing, carpeting, &c., the hall house of reps. and senate chamber.	Rev. Stat. -	506 60
“ members and officers of the general assembly, session 1849.	App. 1849, -	13,946 60
“ private secretary to the governor.	do -	126 00
“ members and officers of the general assembly, special session, 1849.	do -	8,204 30

Detailed Statement—Continued.

Amount paid for printing paper, stationery, fuel, &c., for the special session, 18 '9.	App. 1849, -	\$1,150 05
" private secretary to the governor, special session,	-	69 00
" for postage on legislative documents, do	-	755 90
" for copying laws, side notes, &c., do	-	62 60
" for indexing journals, do	-	20 00
" for publishing laws and pay roll of the special session in newspapers.	do -	97 00
		26,777 20

INCIDENTAL EXPENSES.

Amount paid for stationery, wood, postage, repairs, abstracts of lands, &c., furnished the several departments prior to the law of 1849, and charged to incidental expense account.	R. S. & app. 1837, -	1,963 21
" for stationery, furniture, postage, &c , and charged to the office of the executive.	App. 1849, -	535 70
" for stationery, furniture, postage, &c., and charged to the auditor of public accounts.	App. 1849, -	2,583 60
" for stationery, furniture, postage, &c., and charged to the office of the secretary of state.	App. 1849, -	1,286 29
" for stationery, furniture, postage, &c., and charged to office of the state treasurer.	App. 1849, -	133 79
" for furniture, &c., for 1st division supreme court.	Rev. Stat. -	108 28
" for furniture, repairs, stationery, &c., for the 1st division of the supreme court.	App. 1849, -	1,085 67
" for sheriffs' services attending supreme court, 1st division,	-	64 00
Charged to supreme court, 1st division,	-	1,257 96
" for furniture, repairs, stationery, &c., 2d division supreme court.	Rev. Stat. -	369 90
" for furniture, repairs, stationery, &c., 2d division supreme court.	App. 1849, -	1,317 13
" for sheriffs' services attending supreme court, 2d division,	-	396 00
Charged to supreme court, 2d division,	-	2,083 03
" for furniture, repairs, stationery, &c., 3d division supreme court.	Rev. Stat. -	96 40
" for furniture, repairs, stationery, &c., 3d division supreme court.	App. 1849, -	731 20
" sheriffs' services attending supreme court, 3d division,	-	252 00
Charged to supreme court, 3d division,	-	1,079 60

INSTITUTE FOR THE EDUCATION OF THE DEAF AND DUMB.

Amount paid for the interest on the school, college, and seminary fund for the years 1848 and 1849,	-	4,618 98
" of the appropriation of 1847 paid for the years 1849 and 1850, -	-	6,000 00
" paid on the appropriations of 1849, -	-	24,735 00
Total,	-	35,353 98

*Detailed Statement—Continued.***INSTITUTE FOR THE EDUCATION OF THE BLIND.**

Amount paid for the appropriation of 1849,	-	-	-	\$3000 00
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LIQUIDATION BONDS.

Amount paid for interest on liquidation bonds.		App. 1849,	-	3782 25
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MONEY REFUNDED.

Amount refunded on lands sold in error, and on accounts over-				
paid by collectors.		App. 1819,	-	684 56

Amount paid for redemption money received from minor heirs,	-			519 01
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Amount paid to Macoupin county for redemption on forfeited property.		App. 1843,	-	315 49
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PUBLIC PRINTING.

Amount paid for publishing the laws of 1849 in newspapers,	-			700 00
do for copying laws of 1819 for printing,	-			152 04
do for printing laws, journals, reports and current work, session 1849.		Rev. Stat.	-	9563 45
do for printing laws, journals, reports and current work of the special session.		do	-	884 60
Total,	-			10,900 09

PUBLIC BINDING.

Amount paid for binding laws, journals and reports of session 1849.		App. 1849,	-	2803 14
do for stitching, with blue covers, 500 copies of the laws special session 1849.		App. 1849,	-	21 20
Total,	-			2824 34

SALARIES.

Amount paid for salary of the governor.		App. 1817,	-	705 00
do do do		1849,	-	2844 52
Charged to account of the governor of the state of Illinois,	-			3549 52
do for salary of the secretary of state.		App. 1847,	-	249 98
do do do		1849,	-	1276 14
Charged to account of the secretary of state,	-			1526 07
do for salary of the auditor of public accounts, including clerk hire.		App. 1817,	-	461 18
do do do		1849,	-	3982 14
Charged to account of auditor of public accounts,	-			4413 29
do for salary of the state treasurer.		App. 1817,	-	401 82
do do do		1819,	-	1518 00
Charged to account of treasurer of the state of Illinois,	-			1919 82

Detailed Statement—Continued.

Amount paid for salary of the attorney general.						App. 1847, -	\$ 151 60
Charged to account of attorney general,						- -	151 60
do	do	do	do	do	do	App. 1849, -	2190 16
do	do	do	do	2d do	do	-	2390 16
do	do	do	do	3d do	do	-	2290 16
Charged to account of the judiciary of the 1st, 2d and 3d divisions of the supreme court,						- -	6870 48
do	do	do	do	do	do	App. 1847, -	1149 66
do	do	do	do	do	do	1849, -	1741 78
Charged to account of the judiciary, 1st circuit,						-	2891 44
do	do	do	do	do	do	App. 1847, -	489 94
do	do	do	do	do	do	1849, -	1741 78
Charged to account of the judiciary, 2d circuit,						-	2231 72
do	do	do	do	do	do	App. 1847, -	409 33
do	do	do	do	do	do	1849, -	1791 13
Charged to account of the judiciary, 3d circuit,						-	2200 46
do	do	do	do	do	do	App. 1847, -	1476 93
do	do	do	do	do	do	1849, -	1841 78
Charged to account of the judiciary, 4th circuit,						-	3318 71
do	do	do	do	do	do	App. 1847, -	474 83
do	do	do	do	do	do	1849, -	1991 78
Charged to account of the judiciary, 5th circuit,						-	2466 61
do	do	do	do	do	do	App. 1847, -	1387 33
do	do	do	do	do	do	1849, -	1741 78
Charged to account of the judiciary, 6th circuit,						-	3129 11
do	do	do	do	do	do	App. 1847, -	387 33
do	do	do	do	do	do	1849, -	1991 78
Charged to account of the judiciary, 7th circuit,						-	2379 11
do	do	do	do	do	do	App. 1847, -	67 33
do	do	do	do	do	do	1849, -	1491 78
Charged to account of the judiciary, 8th circuit,						-	1559 11
do	do	do	do	do	do	App. 1847, -	277 33
do	do	do	do	do	do	1849, -	1941 78
Charged to account of the judiciary, 9th circuit,						-	2219 11
do	do	do	do	do	do	App. 1849, -	752 77
Charged to account of the judiciary, 10th circuit,						-	752 77
do	do	do	do	do	do	App. 1849, -	1652 96
Charged to account of the judiciary, 11th circuit,						-	1652 96

Detailed Statement—Continued.

Amount paid for salary of the judge of the Cook and Jo Daviess county court.				App. 1847, -	\$ 212 50
do	do	do	do	1849, -	300 00
Charged to account of the judiciary, Cook and Jo Daviess county court, - - -					512 50
do for salary of the judge of the Cook county court. App. 1849, -					978 00
Charged to account of the judiciary, Cook county court, -					978 00
do for salary of the state's attorney of the 1st circuit. App. 1847,				1849,	380 00
do	do	do	do	1849,	372 94
Charged to account of the state's attorney, 1st circuit, -					752 94
do for salary of the state's attorney of the 2d circuit. App. 1847,				1849,	105 00
do	do	do	do	1849,	435 44
Charged to account of the state's attorney, 2d circuit, -					540 44
do for salary of the state's attorney of the 3d circuit. App. 1847,				1849,	126 00
do	do	do	do	1849,	530 44
Charged to account of the state's attorney, 3d circuit, -					656 44
do for salary of the state's attorney of the 4th circuit. App. 1847,				1849,	40 00
do	do	do	do	1849,	372 94
Charged to account of the state's attorney, 4th circuit, -					412 94
do for salary of the state's attorney of the 5th circuit. App. 1847,				1849,	105 00
do	do	do	do	1849,	372 94
Charged to account of the state's attorney, 5th circuit, -					477 94
do for salary of the state's attorney of the 6th circuit. App. 1847,				1849,	126 00
do	do	do	do	1849,	412 94
Charged to account of the state's attorney, 6th circuit, -					538 94
do for salary of the state's attorney of the 7th and 11th circuits. App. 1847,				1849,	230 00
do	do	do	do	1849,	497 94
Charged to account of the state's attorney of the 7th and 11th circuit, - - -					727 94
do for salary of the state's attorney of the 8th circuit. App. 1847,					422 94
Charged to account of the state's attorney, 8th circuit, -					422 94
do for salary of the state's attorney of the 9th circuit. App. 1847,				1849,	62 50
do	do	do	do	1849,	535 44
Charged to account of the state's attorney of the 9th circuit, -					597 94
do for salary of the state's attorney, of the 10th circuit. App. 1849,					191 65
Charged to account of the state's attorney, 10th circuit, -					191 65

Detailed Statement—Continued.

Amount paid for salary of the prosecuting attorney, Cook county court.				App. 1847, -	\$ 62 50
do	do	do	do	1849, -	374 99
Charged to the account of the prosecuting attorney of the Cook county court,				-	437 49
do	for salary of the prosecuting attorney, Jo Daviess county court.			App. 1847, -	100 00
Charged to the account of the prosecuting attorney of the Jo Daviess county court,				-	100 00
do	for salary of the secretary of the fund commissioner.			App. 1847, -	90 00
do	do	do	do	1849, -	622 00
Charged to account of the secretary of the fund commissioner,				-	712 00
do	for salary of the porter of the state house.			App. 1847, -	65 75
do	do	do	do	1849, -	601 00
Charged to account of the porter of the state house,				-	666 75
do	for salary of the adjutant general.			Rev. Stat. -	175 00
do	inspecting the militia.			App. 1849, -	790 00
Charged to account of the militia of the state of Illinois,				-	965 00
STATE HOUSE.					
do	for work done on the state house, finishing roof, cupola, stone work, &c.			App. 1847, -	5490 00
do	for work done on the state house, finishing hall of representatives, committee and stairrooms, basement, and front doors.			App. 1849, -	2267 18
Total.	-	-	-	-	7757 87
WOLF SCALPS.					
do	for bounty on wolf scalps.			App. 1836 and '7, -	13 00
SPECIAL TAXES.					
do	of warrants issued on the order of the governor for taxes collected on account of the Insane Hospital fund,			-	43,302 39
do	of warrants issued on the order of the governor for tax collected on account of the Illinois Institute for the Education of the Blind,			-	8000 00
do	of warrants issued on the order of the governor for tax collected on account of the interest fund,			-	263,034 50
Total,	-	-	-	-	\$ 534,588 98

A STATEMENT showing the condition of the School, College and Seminary Fund, the first day of December, 1850, including the amount received since the first day of December, 1848.

Amount of surplus revenue, credited to the school fund, -	-	\$375,592 32
Amount of three per cent. fund, credited to the school fund, -	-	45,528 34
Amount of three per cent. fund credited to the college fund, -	-	90,889 58
Amount of seminary fund, -	-	58,788 72
Total amount of school, college and seminary fund, -	-	\$539,798 96

A STATEMENT of the amount of state indebtedness, purchased by the Governor and deposited in the Treasurer's Office, as provided for by an act concerning the public debt, approved February 12, 1849, showing the amount paid for said state indebtedness, as reported to this office, by the Governor; also the amount of the three per cent. fund received of the general government, and placed in the hands of the executive, for the purpose of purchasing state indebtedness.

		DR.		
1849, March 31	For amount of three per cent. fund,	\$ 4000 00		
March 31	same - - -	2000 00		
May 31	same - - -	483 44		
1850, May 24	same - - -	11,607 78		
				\$ 18,091 22
		CR.		
1849, April 1)	By amount paid for exchange on \$4,000, - - -	40 00		
April 30	By new internal improvement bonds No. 43, 44, 45, 47 & 5051, amounting to the sum of \$5,455, including \$455 interest, at 37½ per cent. -	1887 50		
1849, May 12	By new internal improvement bonds No. 5071, 5080, 5081, 5082, 5083, 5084, 5095, 5086, 5087 and 5088, amounting to the sum of \$10,980, including \$930 interest at 38 per cent, -	3800 00		
1849, August 3	By new internal improvement bond No. 4984 for \$1943, including \$143, interest—and interest bond No. 2151 for \$693 80. -	664 60		
1849, Nov. 28	By interest bond No. 2274 for \$770, 55 cents at 25½ per cent. -	196 49		
				6,588 59
	Balance of three per cent. fund, -	-		\$ 11,502 63

REDEMPTION MONEY.

The amount of redemption money in the treasury on the 1st day of December, 1848, was -	-	\$ 1,170 84
Amount of redemption money paid out during the fiscal term ending November 30, 1850, -	-	649 01
Balance in the treasury November 30, 1850, -	-	\$ 1,121 83

To balance in the treasury on the 1st of December, 1848, -	\$ 16,484 38	By amount of auditor's warrants received into the treasury, cancelled and deposited in the auditor's office, -	\$ 279,888 80
amount received from collectors from the 1st of December, 1848, to the 30th November, 1850, inclusive, -	397,059 96	amount of interest on old warrants cancelled, -	176 15
amount received from clerks on forfeited property, -	10 13 57	amount of certificates for the interest on the school, college and seminary fund, received from collectors, cancelled and deposited in the auditor's office, -	110,20 29
amount received from hawkers' and pedlers' licenses, -	1,87 50	amount to balance account, -	28,578 41
amount received from clerks, on insurances, -	1269 68		
amount received for fines, -	150 00		
amount received for rent and insurance of Quincy House, -	3300 00		
amount received on sales of seminary lands, -	1571 06		
amount received on sales of escheated lots, -	97 50		
	<u>418,663 65</u>		<u>\$ 418,663 65</u>
To balance in treasury, for revenue purposes, -	\$ 28,578 41		

STATE DEBT FUND.

To amount of tax received for the liquidation of the state debt, -	\$ 165,788 81		
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INTEREST FUND.

To balance of interest fund tax, in the treasury on the 1st of December, 1848, -	\$ 829 25	By amount of warrants issued for the interest fund, cancelled and deposited in the auditor's office, from the 1st of Dec'r, 1848, to the 30th of Nov'r, 1850, inclusive, -	\$ 263,034 50
amount received from the 1st of December, 1848, to the 30th of November, 1850, inclusive, -	293,326 89	amount to balance account, -	34,121 64
	<u>\$ 297,156 14</u>		<u>\$ 297,156 14</u>
To balance due, -	\$ 34,121 64		

INSANE HOSPITAL FUND.

To balance of Insane Hospital fund in the treasury on the 1st day of December, 1848, after deducting the sum of \$3,518 39, reported in last report, - - -	\$ 235 45	By amount of warrants issued for the Insane Hospital fund prior to the first day of December, 1848, and cancelled since last report, - - -	\$ 537 80
amount received from the 1st of December, 1848, to the 30th November, 1850, inclusive, - - -	40,318 43	the auditor's office, from the 1st of December, 1848, to the 30th November, 1850, inclusive, after deducting the sum of \$3,518 39, reported in last report, - - -	39,784 00
		amount to balance account, - - -	232 08
	<u>\$ 40,553 88</u>		<u>\$ 40,553 88</u>
To balance due, - - - - -	\$ 232 08		

FUND FOR THE BLIND.

To amount of tax received on the assessment of 1849, - - -	\$ 9374 33	By amount of warrants issued and paid at the treasury, - - -	\$ 8000 00
		amount to balance account, - - -	1374 33
	<u>\$ 9374 33</u>		<u>\$ 9374 33</u>
To balance due, - - - - -	\$ 1374 33		

STATEMENT of the condition of the state lands selected and purchased for internal improvement purposes, except town lots, mill property, and land in Cairo city.

In what district lands selected, and to what account lands purchased were charged.	Quantity selected and purchased.	Acres sold to 1st. December 1846.	Acres sold from Dec. 1, 1846 to Dec. 1, '48	Acres sold from Dec. 1, 1848 to Dec. 1, '50.	Total acres sold up to December 1, 1850.	Acres remaining unsold Dec 1, 1850.
Chicago, - -	90,022.88	80,396.04	8,351.67	1,070.53	89,818.24	204.64
Dixon, - -	77,390.32	7,030.40	6,205.40	8,676.57	21,812.31	55,698.01
Danville, - -	41,646.85	960.00	332.16	1,359.28	2,651.44	38,995.41
Total lands selected, -	209,060.05	88,386.28	14,889.23	11,006.38	114,281.99	84,778.06
Central R. R. - -	17,153.22	520.00	80.00	680.00	1,280.00	15,873.22
Alton & Shelbyville R. R.	16,563.14	2,642.92	243.19	2,200.34	5,086.45	11,476.69
Alton & McCarmel R. R.	7,535.29	40.00	-	74.92	114.92	7,420.37
Alton & Shawneetown R.	1,040.00	160.00	-	-	160.00	880.00
Total lands purchased, -	42,291.65	3,362.92	323.19	2,955.26	5,641.37	35,650.28
Total, - -	251,351.70	91,749.30	15,212.42	13,961.64	120,923.36	130,428.34

The above table shows 130,428.34 acres of lands, selected under the act of congress, Sept. 4, 1841, and of the lands purchased by the board of commissioners of public works, remaining unsold. The aggregate value of these lands as appraised under the act of 1843, amounts to the sum of \$753,348 83. All of the said lands have been offered at public sale, and are now subject to entry, except 6,071.62 acres, which were not offered at the land sale of 1844, or since.

There has been received during the two years ending

November 30, 1850, on the sales of state lands, state

indebtedness amounting to the sum of - - \$65,759 94

To which add for error in report of 1846, - - 160 00

Making the sum of - - - - \$65,919 94

Which sum has been deposited with the fund commissioner.

A STATEMENT showing the condition of the public lands in each land district, number of acres sold, donated, remaining unsold, &c.

Land Districts.	AREAS.		Acres sold up to January 1, 1849.	Acres sold from Jan. 1, 1849, to Sept. 1, 1950.	Total acres sold to Sept. 30, 1850.	MILITARY BOUNTY LANDS.				Confirmed claims.
	Sq. miles	Acres.				Mexican war to Nov. 1, 1848.	Total Mexican war to Sept. 30, 1850.			
Shawneetown,	5072	3,245,498.69	919,350.15	58,090.00	9,77,340.15	-	35,860.00	116,780.00	1,290.00	
Kaskaskia,	3193	2,181,216.71	1,038,790.30	44,028.17	1,082,818.47	636.72	18,520.00	50,686.11	124,301.83	
Edwardsville,	4287	2,743,742.25	1,698,713.35	38,124.45	1,936,837.80	160.00	22,760.00	115,171.88	46,982.74	
Vandalia,	5516	3,630,401.00	1,085,954.33	60,452.62	1,146,406.95	480.00	37,920.00	160,293.06	-	
Palestine,	3536	2,282,697.42	1,093,799.22	74,058.53	1,167,857.75	640.00	39,920.00	154,815.68	16,167.04	
Springfield,	4682	2,996,644.55	1,954,435.16	28,694.91	1,983,130.07	960.00	51,840.00	156,838.56	160.00	
Danville,	7065	4,931,334.79	881,576.15	36,789.04	918,365.19	800.00	30,040.00	174,327.18	-	
Quincy,	7073	4,626,636.26	1,671,202.76	21,523.00	1,693,155.76	2,418,955.00	14,640.00	31,163.69	-	
Dixon,	8349	5,345,471.78	2,238,072.15	51,578.31	2,289,650.46	420,568.58	282,320.00	516,641.37	-	
Chicago,	5777	3,697,068.60	2,358,361.54	35,124.43	2,393,476.02	7,680.00	169,880.00	206,145.96	-	
	55,405	35,469,200.00	15,040,146.11	448,921.51	16,489,066.62	2,850,880.30	683,700.00	1,664,262.49	158,901.61	

Land Districts.	School lands, (sec. 16.)	Seminary lands selected.	Canal lands selected.	Internal improvement lands selected.	Granted for seat of government.	Granted to individuals.	Saline reserve.	Indian reservation.	Swamp lands.	Total remaining unsold and unappropriated, including swamp lands, Sept. 30, 1850.
Shawneetown,	89,079.47	-	-	-	-	-	96,034.54	-	217,154.18	1,930,612.53
Kaskaskia,	63,090.80	-	-	-	-	-	-	-	87,445.78	859,775.78
Edwardsville,	62,409.42	-	-	-	2,560.00	-	-	-	45,926.41	559,420.41
Vandalia,	98,560.00	2,080.00	-	-	-	-	-	-	18,653.70	2,082,100.99
Palestine,	67,690.14	4,450.00	-	-	-	954.64	-	-	140,704.26	811,096.81
Springfield,	82,615.00	19,040.00	-	-	-	-	-	-	163,159.49	701,106.28
Danville,	131,129.54	15,360.00	-	-	-	-	24,873.12	2,928.06	207,302.08	3,591,564.55
Quincy,	136,490.13	-	-	41,646.85	-	-	-	-	163,455.76	332,231.68
Dixon,	146,163.10	-	49,920.00	77,390.32	-	-	-	15,936.00	425,126.04	1,664,861.90
Chicago,	101,401.29	3,340.00	240,994.50	90,022.88	-	-	-	30,225.63	367,465.24	453,002.32

The work required by the second section of an act entitled "an act to enable the auditor of public accounts to perform his duty," approved March 1st, 1847, and the twenty-third section of an act entitled "an act to amend the several acts concerning the public revenue," approved February 8, 1848, is nearly completed, and it is expected, will be finished during the present month. Believing that the public interest required that the land records in the several counties should be corrected at as early a day as possible, the work has been pushed forward with all possible dispatch, and eighty counties have been furnished with complete records of all the lands subject to taxation in said counties. Thirteen other counties have applied for corrected land books, which it is expected will be completed by the first of January. The remaining six counties, to wit: Crawford, De Witt, Edgar, Fulton, Peoria, and Vermilion, have, I am informed, had their land records corrected; hence it will not be necessary to furnish them with land books from this office.

In making out the county land books, as well as the annual reports of lands for taxation, I find it to be impossible to determine the correct boundaries of some of the counties, from the plats and records on file in this office. The dividing line, in some cases, is nothing more than a small creek or branch, the meanderings of which have never been surveyed; hence the channel is not correctly traced upon the plats.

I have been at considerable expense and trouble in obtaining plats and other information from the surveyor general's office, and the several land offices, for the purpose of correcting, as far as possible, the defects in the maps and records in this office, but am satisfied that they are yet very imperfect, and that they cannot be correctly ascertained without an actual survey of the lands through which the line passes. Portions of several counties are bounded by lines running diagonally through sections, making it very difficult for assessors to determine in what county the lands should be taxed. In many cases, therefore, the lands are assessed in both counties, and frequently they are not assessed in either county; thereby not only causing trouble to the owners of the property, but an actual loss to the public treasury. Much disorder would be avoided, in my opinion, if the lines dividing counties were made to conform to the surveys of the general government, except where the boundary line is a navigable river or lake. Wherever it might be necessary to run lines diagonally across sections, they could be run so as to zigzag with the lines of quarters of quarter sections without materially affecting the direction of any line, and thereby forty acre tracts would always be left altogether, either on one side or the other of such lines,* and no difficulty could arise in the assessment of such lands.

The records of lands purchased by individuals from the general government, subject to taxation, (except a portion of the old locations and claims, which will soon be corrected,) are now in as complete order as they can well be made; and the system adopted in making out the new land books for this office, and for the counties, is so perfect that it will require but little care and attention to keep them in perfect order here-

after. However, as there are frequent changes of entries of lands, on account of errors, pre-emption claims, &c., it will be necessary that some provision be made to have this office advised of such changes, or corrections, that the tax lists may be corrected annually, and improper assessments avoided.

For the purpose of correcting the school land records, I have had them transcribed into tract books, and it is found that in many cases the same tract has been patented in error, to two or more persons. Lists of these errors have been furnished to the school commissioners of the proper counties, and, in some cases, the erroneous patents have been returned to this office, and corrected, but a large number of them are still outstanding. From applications made to this office for school land patents, it appears that patents which have been issued and forwarded to the commissioners, have either been lost in the mails, or mislaid at the office of the commissioner, and that the purchasers have not received patents for the lands thus patented. It may be necessary that some provision be made regulating the issuing of duplicate patents in such cases, and to enable this department to correct the errors above referred to.

I would respectfully suggest the expediency of more restrictive legislation to secure the public revenue. The large amount lost annually by defalcation of collectors, seems to require some more effectual mode of securing the revenue than now exists. It is an easy matter for securities on collectors' bonds, in many cases, if they are so disposed, to sell their property before judgments can be obtained on the bonds, and thereby evade their payment; and, if I have been correctly informed, the courts in some cases approve bonds with insufficient securities. If the bonds required from collectors were made liens upon their real estate, and upon the real estate of their securities, until their accounts were fully settled, and the responsibility of the securities determined by the value of their real estate, it would, in my opinion, secure more effectually the public revenue, and cause collectors to be more prompt and energetic in the discharge of their duties.

There may be a small amount collected from clerks of county courts, as some of the accounts, for the redemption of forfeited property, have not yet been adjusted. In some counties the law regulating the assessment and collection of the revenue on forfeited property has not been complied with, but in a large number of the counties the clerks, and other officers, promptly discharged the duties required, and have succeeded in clearing the old lists of the back taxes, and placing the property on the regular tax lists.

In consequence of the many errors in land lists reported for taxation, and the want of proper care and attention in assessing, a large portion of the lands heretofore forfeited to the state had been assessed and sold in error, and the sales had to be cancelled. In many counties the legality of the assessments were so doubtful that the lands were sold for mere nominal amounts, not sufficient to pay the costs of sale, and in some cases bidders could not be found at any price. In cases where the lands were re-offered for sale and could not be sold, the old sales have been cancelled, and the lands placed upon the tax lists for taxation.

That the officers in those counties where forfeited lands are situated, and remain undisposed of, may be enabled to dispose of them, it is suggested that the time for assessing and collecting the tax on such lands be extended to the time for assessing and collecting the revenue for the year 1851.

The law authorizing and requiring the auditor to purchase real estate offered for sale under judgments in favor of the state, makes no provision for the disposal thereof, and as there has been real estate purchased in compliance with said law, I would suggest the propriety of making some provision for disposing of the lands which have been, or may hereafter be, purchased in compliance with that law.

The present changes in the revenue laws have made it very difficult for officers to understand the duties required of them, and in some counties it is probable that there has not been sufficient care and attention paid to the laws regulating the assessment and collection of the revenue. I am gratified to find, however, that there has been more interest manifested, and more care taken to systemize the business under the revenue laws during the last two years than there has been heretofore, and have reason to believe that the time is not distant when the business will be reduced to such a system and so regulated as to produce a much more equal and just assessment, with less labor and trouble.

As the state derives almost its entire revenue from the assessment and collection of taxes, and must depend upon taxation, to some extent, for the payment of her public debt, too much care and attention cannot be bestowed upon this branch of the public business. The state has been at considerable expense in having the land records corrected, and in furnishing the several counties with complete lists of the taxable lands situated in them, and now, as the work is about completed, and all the counties will soon be in possession of full and complete lists of the taxable lands, there can be but little doubt that, with proper care and attention, the revenue will be greatly increased.— That the revenue laws may be more easily reached and a knowledge of the duties of officers more readily obtained, it is suggested that the several acts now in force be revised, with such alterations as may be necessary, and that a sufficient number of copies be placed under the control of the auditor, to enable him to furnish the county officers with them, from time to time, as may be found necessary. At present they are spread over the statute books so as to require considerable research to examine them.

Some better and more perfect system of assessing and valuing property seems to be required. It may be that a change in the law, so that lands be assessed once in two or four years, would operate better than annual assessments, as now required. It is believed that more care would be taken in ascertaining the full value of the lands under such a system, than under the present one, and much labor and expense would be saved. The personal and town property can be assessed with less than half the labor and expense required to assess the lands, and should be assessed annually, together with the annual lists of lands not previously reported for taxation. It is suggested, there-

fore, in order to establish a more perfect system, and secure more full and perfect assessments, that the assessors be furnished with blanks, properly printed, setting forth the various kinds of taxable property, with columns for designating the amount and value thereof, so that the tax payer or assessor can fill them out conveniently, and when filled out let its correctness be attested by the owner or person listing the property, for which purpose a blank certificate could be attached.—Such a plan, it seems to me, would prevent errors and omissions in listing property, and secure more full and fair assessments than are secured under the system now in operation.

The law providing for the sale of state lands seems to me to be defective. It authorizes the auditor to sell the lands, receive the pay, and deliver to the purchaser a certificate of purchase, without the knowledge of any other officer. And believing as I do, that the business of the several departments should be so arranged that the records of one office will serve as a check upon another, I suggest that the law above referred to be amended.

The law regulating the mode of making payments into the treasury, was repealed in revising the laws in 1845, and in my opinion should be re-enacted.

From the returns made to this office, it appears that the law providing for township and county organization, has been adopted in the counties of Adams, Brown, Boone, Bureau, Cook, Carroll, Du Page, De Kalb, Fulton, Grundy, Hancock, Jersey, Knox, Kane, Kendall, La Salle, Lee, Lake, Marshall, McHenry, Ogle, Peoria, Pike, Putnam, Schuyler, Stephenson, Tazewell, Will, Warren and Winnebago. The returns of the election show that in the counties of Jasper, Putnam, Schuyler and Warren, only a minority of the votes cast were for township organization; therefore it may require legislative action to enable those counties to re-organize, or to legalize their acts under the present organization. There is no provision in the township organization law requiring county treasurers now in office, and who were elected under the old law, to execute bonds as collectors, and I am informed that all the towns, in some of the counties adopting the township organization law, have not organized, and in some cases the property in those towns has not been assessed. I respectfully suggest that provision be made for the assessment of the property in such towns, and that the county treasurers be required to execute bond.—There are, doubtless, many other defects in the law which might be pointed out, but as very few returns from those counties have been received, and as I am not fully advised of the operation of the law, I only make the foregoing suggestions, which seem to require early attention. As it is a difficult matter to arrange two systems of revenue, operative at the same time in one state, such alterations of the law, other than those necessary to meet the contingencies referred to, will doubtless be made by the wisdom of the general assembly, without being suggested by this department.

Respectfully submitted,

THOS. H. CAMPBELL, *Auditor P. A.*

APPENDIX.

COMPARATIVE STATEMENT of the revenue for the years 1839 to 1849, inclusive, showing the assessed value of real estate and personal property—the amount of revenue and special tax charged—amount of abatements, commissions, &c., deducted, and the net amount collected, including tax on sales to the state; also the amount of interest on the school, college and seminary fund paid the several counties for said years.

County.	Year.	Real estate.	Personal property.	Total value property.	Revenue and special state tax.	Abatements, commissions, &c.	Net amount of state tax.	Balance due, exclusive of interest or cost.	Interest on school, &c. fund.
Adams,	1839	-	-	\$3,375,215 00	\$ 6750 43	\$491 53	\$6258 90	-	\$1169 20
	1840	-	-	3,244,445 00	6508 89	557 25	5951 74	-	1458 72
	1841	-	-	3,344,021 00	10,032 07	617 57	9414 50	-	1607 22
	1842	-	-	3,318,734 00	4978 10	351 65	4626 45	-	1607 55
	1843	-	-	2,473,035 00	4946 07	301 19	4644 88	-	1630 16
	1844	-	-	2,517,425 00	5034 85	323 84	4711 01	-	1670 95
	1845	-	-	2,497,390 00	7492 17	442 62	7049 55	-	975 59
	1846	\$2,153,985 00	\$540,591 00	2,694,576 00	9430 92	665 96	8764 96	-	977 07
	1847	2,208,164 00	545,698 00	2,743,862 00	10,152 29	906 12	9246 17	-	1004 61
	1848	3,266,328 00	830,539 00	4,096,867 00	15,157 59	1038 85	14,118 74	-	1517 02
Alexander,	1849	3,294,951 00	888,537 00	4,183,488 00	24,314 03	1562 75	22,751 28	-	1546 01
	1839	-	-	340,655 00	661 31	132 58	548 73	-	339 24
	1840	-	-	466,855 00	933 71	90 21	843 50	-	266 84
	1841	-	-	422,604 00	1267 81	127 11	1140 70	-	294 01
	1842	-	-	432,647 00	648 97	83 48	565 49	-	294 08
	1843	-	-	290,795 00	581 59	122 56	459 03	-	168 59
	1844	-	-	292,590 00	585 18	84 27	500 91	-	172 80
	1845	-	-	270,570 00	812 01	137 03	664 98	-	94 17
	1846	203,834 00	47,449 00	251,283 00	879 49	92 51	786 98	-	96 39
	1847	215,260 09	50,110 00	265,370 00	928 26	132 92	795 34	-	99 12
Bond,	1848	222,461 32	71,800 00	294,261 32	1147 60	112 93	1034 67	-	101 61
	1849	277,288 00	83,304 00	360,493 00	1452 85	112 11	1340 74	-	103 55
	1839	-	-	-	-	-	-	-	620 23
	1840	-	-	396,470 00	792 94	87 58	705 36	-	480 50
	1841	-	-	461,937 00	1385 81	150 68	1235 15	-	529 41
	1842	-	-	521,917 00	782 92	89 28	693 64	-	539 51
	1843	-	-	551,310 00	1102 62	49 17	1053 45	-	536 98

do	1844	-	-	595,715 00	1191 43	78 82	1112 61	-	550 39
do	1845	-	-	619,544 00	1858 63	164 20	1694 43	-	487 56
do	1846	-	-	590,578 00	2057 02	100 99	1966 03	-	488 26
do	1847	469,552 00	169,711 00	639,263 00	2365 28	150 16	2215 11	-	502 12
do	1848	490,136 00	196,416 00	686,552 00	2540 24	213 53	2326 31	-	514 66
do	1849	428,632 00	186,745 00	615,377 00	3559 17	293 15	3276 02	-	524 50
Boone,	1839	-	-	34,485 00	68 97	10 42	58 55	-	-
do	1840	-	-	55,990 00	111 98	14 44	97 54	-	145 24
do	1841	-	-	68,170 00	204 51	24 74	179 77	-	160 01
do	1842	-	-	92,360 00	138 54	27 18	111 36	-	160 06
do	1843	-	-	83,359 00	166 70	35 44	131 26	-	162 12
do	1844	-	-	159,490 00	318 98	55 30	263 68	-	166 37
do	1845	-	-	408,407 00	1225 52	101 21	1124 31	-	402 90
do	1846	304,880 00	230,469 00	535,349 00	1873 72	114 17	1759 55	-	403 45
do	1847	-	-	496,447 33	1837 23	109 68	1727 55	-	414 89
do	1848	436,406 00	210,461 00	646,867 00	2393 40	120 79	2272 61	-	425 28
do	1849	484,554 00	232,738 00	717,292 00	4160 29	207 28	3953 01	-	433 40
Brown,	1839	-	-	648,620 00	1297 24	74 04	1223 20	\$538 33	387 69
do	1840	-	-	564,400 00	1128 80	96 43	1032 37	377 40	427 15
do	1841	-	-	647,840 00	1943 52	165 46	1778 06	-	427 23
do	1842	-	-	679,554 00	1019 48	116 50	902 98	-	433 25
do	1843	-	-	643,000 00	1286 00	100 52	1185 48	-	444 08
do	1844	-	-	687,350 00	1374 78	84 51	1290 27	-	419 20
do	1845	-	-	689,807 00	2019 42	88 00	1981 42	-	419 79
do	1846	556,409 00	162,253 00	718,662 00	2515 31	104 30	2411 01	-	431 70
do	1847	594,588 00	183,621 00	778,209 00	2961 17	112 93	2848 24	386 76	442 51
do	1848	600,972 00	213,464 00	814,436 00	3013 41	120 74	2892 67	-	450 96
do	1849	574,127 00	274,740 00	849,867 00	4999 23	208 19	4721 04	1261 13	-
Bureau,	1839	-	-	446,355 00	890 71	67 13	833 58	-	260 60
do	1840	-	-	401,870 00	503 74	62 60	741 14	-	287 13
do	1841	-	-	953,330 00	2859 99	658 33	2201 66	-	287 19
do	1842	-	-	1,084,474 00	1626 71	125 13	1501 58	-	291 24
do	1843	-	-	1,055,545 00	2111 09	75 27	2035 82	-	298 52
do	1844	-	-	1,056,065 00	2172 13	148 77	2023 36	-	387 96
do	1845	-	-	1,137,530 00	413 49	233 23	3023 26	-	388 52
do	1846	989,525 60	212,246 00	1,201,771 00	4194 11	178 42	4015 69	-	396 93
do	1847	960,683 00	219,589 00	1,179,672 00	4364 78	170 90	4193 88	-	409 54
do	1848	1,006,920 00	273,629 00	1,280,549 00	4736 03	207 84	4530 19	-	417 36
do	1849	944,361 00	285,722 00	1,230,083 00	7134 48	340 43	6794 05	-	-

Comparative Statement—Continued.

County.	Year.	Real estate.	Personal property.	Total value property.	Revenue and special state tax.	Abatements, commissions, &c.	Net amount of state tax.	Balance due, exclusive of interest or cost.	Interest on school, &c. fund.
Calhoun,	1839	-	-	\$ 08,325 00	\$ 816 65	\$ 81 15	\$ 735 50	-	\$ 172 07
do	1840	-	-	418,770 00	837 50	77 04	760 46	-	137 16
do	1841	-	-	428,380 00	1285 11	90 54	1194 60	-	151 11
do	1842	-	-	413,667 00	620 50	45 73	574 77	-	151 15
do	1843	-	-	430,080 00	900 16	97 09	803 07	-	153 30
do	1844	-	-	402,520 00	805 04	45 92	759 12	-	157 13
do	1845	-	-	431,686 00	1295 06	89 68	1205 38	-	163 08
do	1846	\$363,612 00	\$ 61,691 00	425,303 00	1488 56	65 81	1422 75	-	163 32
do	1847	367,466 62	74,721 00	442,187 62	1633 49	119 77	1513 72	-	167 94
do	1848	366,401 23	90,603 68	457,009 89	1722 12	107 78	1614 34	-	172 15
do	1849	288,396 70	92,231 50	380,620 00	2212 49	195 60	2016 89	-	175 44
Carroll,	1839	-	-	56,025 00	112 05	18 72	93 33	-	89 77
do	1840	-	-	65,345 00	130 69	16 16	114 53	-	98 89
do	1841	-	-	66,250 00	198 75	25 62	173 13	-	98 91
do	1842	-	-	61,034 00	91 55	13 92	77 63	-	100 33
do	1843	-	-	78,075 00	156 15	8 59	147 56	-	102 84
do	1844	-	-	85,470 00	170 94	31 06	139 88	-	173 25
do	1845	-	-	92,507 00	277 51	47 24	230 28	-	173 48
do	1846	5,831 00	129,037 00	134,868 00	472 04	62 01	410 03	-	178 37
do	1847	44,475 85	128,782 00	173,257 85	611 05	74 80	566 25	-	182 87
do	1848	78,776 00	146,931 00	225,707 00	835 11	66 47	768 64	-	186 36
do	1849	203,073 39	167,299 00	370,372 39	2148 14	116 18	2031 96	-	257 59
Cass,	1839	-	-	525,000 00	1050 00	68 72	981 28	-	283 60
do	1840	-	-	449,780 00	899 56	61 59	837 87	-	283 66
do	1841	-	-	592,980 00	1778 94	146 65	1632 29	-	287 65
do	1842	-	-	551,934 00	826 40	88 28	738 12	-	294 84
do	1843	-	-	684,035 00	1368 07	94 41	1273 66	-	403 40
do	1844	-	-	635,235 00	1270 47	75 58	1194 89	-	403 97
do	1845	-	-	1,003,257 00	309 77	142 03	2867 74	-	415 42
do	1846	772,706 00	317,815 00	1,090,521 00	3816 82	183 81	3633 01	-	425 82
do	1847	779,087 00	329,299 00	1,108,386 00	4101 03	211 45	3889 58	-	
do	1848	808,710 00	304,255 00	1,112,965 00	4117 97	178 65	3939 32	-	

1819	972,588 00	362,207 00	1,35,095 00	6743 55	327 08	7116 56	\$ 2373 90	433 96
1839	-	-	11,600 00	289 20	31 58	2 7 62	-	20 00
1840	-	-	179,580 00	359 16	29 87	323 29	319 88	168 65
1841	-	-	382,084 00	11 6 25	192 18	1021 07	-	171 79
1842	-	-	557,510 00	836 31	81 13	752 18	-	174 82
1843	-	-	503,810 00	1007 32	32 8	975 35	-	177 31
1844	-	-	501,295 00	1002 59	71 18	911 41	-	181 71
1845	-	-	508,903 00	1526 71	60 31	1 68 40	-	174 90
1846	461,26 00	43,179 00	506,605 00	1773 11	201 21	1569 87	-	175 15
1847	488,713 00	40,598 00	549,311 00	1958 45	100 19	1858 26	-	180 11
1848	480,991 00	46,911 00	527,902 00	1533 23	82 30	1780 13	-	184 63
1849	434,908 00	63,196 00	497,804 00	2887 21	125 01	2762 23	170 80	188 16
1839	-	-	151,075 00	102 15	2 02	260 13	7 52	239 00
1840	-	-	13,960 00	167 92	28 78	239 14	-	301 03
1841	-	-	213,104 00	639 31	71 08	568 23	-	331 97
1842	-	-	334,114 00	501 17	-	501 17	217 40	335 04
1843	-	-	214,653 00	429 31	74 81	351 50	501 17	276 85
1844	-	-	271,210 00	5 8 2	47 01	501 17	-	283 77
1845	-	-	299,157 00	897 47	73 25	819 22	-	291 31
1846	100,149 00	132,3 4 00	132,503 00	116 76	111 7	1062 39	-	291 75
1847	196,313 00	128,771 00	25,081 00	1202 81	99 53	1103 28	-	300 02
1848	229,536 00	138,9 5 00	168,471 00	136 31	99 81	1 63 51	-	307 53
1849	262,656 00	187,581 00	450,237 00	2611 38	225 66	2 85 72	-	313 41
1839	-	-	730,410 00	1 60 86	150 71	1310 15	-	563 60
1840	-	-	6 5,975 00	1271 95	143 70	1128 25	-	696 29
1841	-	-	961,803 00	2885 41	584 61	2300 80	-	767 19
1842	-	-	705,194 00	1057 79	83 88	973 91	-	767 31
1843	-	-	730,003 00	1 60 01	92 90	1367 11	-	778 13
1844	-	-	761,7 5 00	1539 45	80 83	1 58 62	-	797 58
1845	-	-	687,730 00	2963 19	551 84	2408 31	-	871 81
1846	-	-	1,03,277 00	1616 47	472 00	3144 47	-	873 05
1847	611,675 00	272,661 00	965,206 00	3371 58	208 42	363 16	-	897 81
1848	797,712 00	29,188 00	1,26,900 00	4169 52	305 41	3864 11	-	920 29
1849	711,094 00	309,53 00	1,01,017 00	5918 51	282 84	5635 65	-	937 85
1839	-	-	-	-	-	-	-	173 96
1840	-	-	179,115 00	3 8 83	40 19	318 61	-	114 63
1841	-	-	2 0,000 00	720 00	62 48	159 31	-	159 31
1842	-	-	109,747 00	461 61	26 50	428 13	-	119 37
1843	-	-	313,990 00	927 98	35 35	592 63	-	161 64
1844	-	-	318,20 00	636 48	28 10	607 98	-	165 68

do
Christian,do
Clay,do
Clark,do
Champ, G.,

Comparative Statement—Continued.

County.	Year.	Real estate.	Personal prop- erty.	Total value property.	Revenue and special state tax.	Abatements, commissions, &c.	Net amount of state tax.	Balance due, ex- clusive of in- terest or cost.	Interest on school, &c. fund.
Champaign—cont'd,	1845	—	—	\$ 383,657 00	\$1150 97	\$ 74 60	\$ 1076 27	—	\$ 157 15
do	1846	\$ 269,727 00	\$ 105,957 00	375,684 00	1314 88	72 10	1342 78	—	157 39
do	1847	280,980 00	146,349 00	427,329 00	1681 10	103 07	1478 03	\$ 39 96	151 85
do	1848	283,091 00	160,572 00	443,663 00	1611 55	88 29	1553 26	—	165 91
do	1849	330,740 00	174,021 00	504,761 00	2927 59	206 42	2721 17	—	169 08
Clinton,	1839	—	—	613,550 00	1227 10	345 13	881 97	—	432-96
do	1840	—	—	549,590 00	1099 18	192 96	906 22	—	242 73
do	1841	—	—	634,584 00	1903 75	790 03	1113 72	—	377 62
do	1842	—	—	411,700 00	617 55	72 67	544 88	—	377 69
do	1843	—	—	502,000 00	1004 00	91 00	913 00	—	383 03
do	1844	—	—	639,795 00	1279 59	89 00	1190 59	—	392 60
do	1845	—	—	707,507 00	2122 52	286 15	1838 37	—	366 10
do	1846	500,726 00	193,499 00	694,225 00	2430 00	238 43	2191 57	—	366 65
do	1847	511,081 00	193,270 00	704,351 00	2608 32	270 63	2337 69	—	377 30
do	1848	570,579 00	291,398 00	861,977 00	3189 11	182 75	3006 36	—	356 48
do	1849	526,590 00	272,905 00	799,495 00	4557 13	227 88	4329 25	—	393 87
Coles,	1839	—	—	1,030,605 00	2061 21	171 32	1839 89	—	821 16
do	1840	—	—	1,021,170 00	2012 34	161 57	1880 77	—	952 32
do	1841	—	—	996,080 00	2938 24	265 95	2722 29	—	1049 22
do	1842	—	—	1,550,394 00	1675 59	139 86	1444 73	—	1019 39
do	1843	—	—	972,000 00	1944 00	96 32	1847 58	—	766 31
do	1844	—	—	964,590 00	1929 18	107 98	1821 20	—	785 46
do	1845	—	—	1,077,547 00	3232 64	177 53	3055 11	—	684 56
do	1846	774,311 00	295,420 00	1,069,731 00	3744 06	192 95	3551 41	—	685 54
do	1847	775,866 00	293,637 00	1,069,503 00	3961 58	153 86	3807 72	—	701 98
do	1848	780,872 00	311,934 00	1,092,756 00	4043 18	190 58	3852 60	—	722 64
do	1849	966,091 00	305,009 00	1,271,100 00	7372 38	420 03	6952 35	—	736 44
Cook,	1839	—	—	1,829,420 00	3658 84	250 20	3408 61	—	1326 89
do	1840	—	—	1,864,205 00	3726 41	592 19	3136 22	—	715 19
do	1841	—	—	1,888,160 00	5664 48	385 18	5279 30	—	787 99
do	1842	—	—	2,325,240 00	3187 86	504 11	2883 75	—	788 12
do	1843	—	—	2,250,735 00	4501 47	339 20	4162 27	—	799 25

de	1814	-	-	3,167,15 00	6333 4)	47 78	58 55 71	-	819 23
de	1841	-	1,507,00 00	3,66,124 00	11,007 37	704 68	10,802 69	-	1840 57
de	1841	-	1,355,79 00	5,071,402 00	17,749 83	1488 31	16,111 49	-	1842 90
de	187	-	1,355,79 00	5,159,385 00	18,162 26	2492 35	15,069 91	-	1381 00
de	1848	-	1,766,310 00	6,946,000 00	25,448 21	2126 78	23,721 43	-	1415 59
de	1841	-	1,833,342 00	7,617,102 00	44,190 08	29 85	41 846 23	-	1442 60
Crawford,	18 9	-	-	615,230 00	1230 46	115 23	115 23	-	585 30
do	18 0	-	-	479,625 00	959 25	77 64	881 61	-	447 12
do	18 1	-	-	517,040 00	1551 19	134 84	1416 16	-	492 64
do	1812	-	-	382,280 00	573 42	69 04	504 38	-	492 72
do	1843	-	-	449,300 00	898 60	89 13	808 97	-	499 69
do	1844	-	-	477,780 00	955 56	72 20	878 36	-	612 18
do	1845	-	-	535,440 00	1606 32	113 21	1443 11	-	499 24
do	1846	-	202,132 00	617,607 00	2246 62	176 42	2090 20	-	499 97
do	1847	-	195,670 00	667,430 00	2169 48	107 44	2362 04	-	514 43
do	1848	-	605,251 00	703,652 00	2603 15	104 33	24 8 82	68 55	527 02
do	1841	-	218,893 00	730,930 00	4239 39	199 29	4040 10	-	57 09
Cumberland,	1843	-	-	154,895 00	309 79	19 21	90 51	-	266 94
do	1844	-	-	193,540 00	387 08	6 92	3 2 16	-	304 36
do	1845	-	-	270,547 00	811 76	104 58	70 38	-	229 76
do	1846	-	75,571 00	295,800 00	1033 83	147 36	88 47	70 50	230 10
do	1847	-	73,220 00	301,815 00	119 22	1044 24	104 98	-	236 65
do	1848	-	75,572 00	310,932 00	1150 45	7 11	1078 34	-	242 55
do	1841	-	94,407 00	310,741 00	1802 29	104 66	1 97 63	239 64	247 18
De Kalb,	1839	-	-	58,000 00	116 00	97 14	97 14	-	149 66
do	1840	-	-	66,915 00	133 89	20 81	113 07	-	164 79
do	18 1	-	-	72,407 00	217 22	30 29	186 93	-	164 82
do	1841	-	-	84,007 00	126 01	12 60	113 41	-	167 25
do	1843	-	-	77,230 00	154 46	28 61	125 83	-	171 43
do	1844	-	-	74,800 00	149 60	28 60	121 00	-	290 80
do	1845	-	-	1 8 057 00	414 17	60 98	353 11	33 39	291 23
do	1846	-	124,917 00	175,384 00	613 85	21 05	532 80	-	299 49
do	1847	-	177,880 00	273,625 00	1012 42	181 75	830 67	-	306 94
do	1818	-	176,826 00	391,668 00	1449 17	173 87	1275 30	-	312 85
do	1819	-	225,991 00	720,108 00	4176 62	750 73	3425 81	1108 93	321 55
De Witt,	1839	-	-	114,745 00	229 41	33 20	196 29	-	354 20
do	1840	-	-	307,105 00	614 11	58 8	5 5 63	-	354 28
do	1841	-	-	392,017 00	1176 05	177 17	998 88	-	282 25
do	1842	-	-	518,874 00	778 31	72 14	703 17	-	
do	1841	-	-	4,3430 00	946 86	4 08	89 78	-	

County.	Year.	Real estate.	Personal property.	Total value property.	Revenue and special state tax.	Abatement, commissions, &c.	Net amount of state tax.	Balance due, exclusive of interest or cost.	Interest on school, &c. fund.
De Witt—continued,	1844	-	-	\$ 12,035 00	\$ 24 07	\$ 57 03	\$ 867 04	-	\$ 289 30
do	1845	-	-	436 757 00	1310 27	82 44	1227 83	-	261 88
do	1846	\$ 321,506 00	\$ 126,803 00	448 30 00	1569 08	100 96	1468 12	-	262 28
do	1847	319,672 00	147,93 00	467,606 00	1730 13	166 38	1513 75	-	269 71
do	1848	335,240 00	172,059 00	507,299 00	1877 08	88 46	1788 12	-	276 46
do	1849	380,103 00	197,143 00	577,246 00	3348 01	159 77	3188 24	\$ 9 03	281 75
Du Page,	1840	-	-	116,20 00	3 2 58	34 23	34 23	-	213 52
do	1841	-	-	24,370 00	73 11	68 88	670 23	-	323 39
do	1842	-	-	257,000 00	385 50	40 24	345 26	-	123 45
do	1843	-	-	262,390 00	524 78	71 04	453 74	-	328 02
do	1844	-	-	302,335 00	604 67	86 13	518 48	-	136 22
do	1845	-	-	434,673 00	1304 02	136 45	1167 57	-	419 37
do	1846	139,594 00	342,555 00	482,149 00	1647 52	141 15	1555 37	-	500 10
do	1847	134,388 00	335,139 00	472,527 00	1748 73	145 51	1601 28	-	514 57
do	1848	416,121 00	325,282 00	741,403 00	2745 06	212 19	2532 87	-	527 16
do	1849	640,181 00	303,322 00	943,503 00	5472 31	276 92	5195 33	411 39	57 23
Edgar,	1849	-	-	1,445,335 00	28 0 67	202 86	2687 71	-	1154 50
do	1840	-	-	1,215,420 00	2430 84	155 04	2275 80	-	776 15
do	1841	-	-	1,225,070 00	3675 21	277 72	3397 49	-	855 17
do	1842	-	-	1,121,960 00	182 94	110 52	1572 42	-	855 32
do	1843	-	-	1,220,225 00	2410 45	101 51	2338 94	-	867 37
do	1844	-	-	1,182,275 00	2364 55	98 47	2566 03	-	889 05
do	1845	-	-	1,281,584 00	3844 75	148 78	3695 97	-	724 27
do	1846	916,802 00	381,750 00	1,298,552 00	4544 93	220 12	4324 81	-	725 31
do	1847	927,780 00	470,070 00	1,407,850 00	5201 07	268 96	4940 11	-	745 88
do	1848	975,986 00	544,882 00	1,520,868 00	5627 20	270 20	5357 00	-	764 56
do	1849	1,055,535 00	650,302 00	1,705,837 00	9997 33	504 28	9893 03	2512 07	779 16
Edwards,	1849	-	-	390,210 00	7 0 54	55 63	704 94	-	330 28
do	1840	-	-	327,035 00	654 07	74 84	579 23	-	277 52
do	1841	-	-	378,117 00	1136 75	98 55	1033 20	-	305 75
do	1842	-	-	398,154 00	597 23	48 45	544 78	-	105 82
do	1843	-	-	406,835 00	813 67	55 89	767 78	-	310 14

do	1844	-	-	443,565 00	887 13	59 25	627 88	317 81
do	1845	-	-	472,227 00	1416 68	90 50	1926 18	262 53
do	1846	351,825 00	122,687 00	474,512 00	1680 79	115 77	1545 02	262 92
do	1847	356,067 00	118,339 00	474,406 00	1755 29	92 41	1682 88	270 37
do	1848	356,339 00	113,253 00	469,592 00	1734 47	83 25	1651 22	277 12
do	1849	501,182 00	121,512 00	422,694 00	2451 61	110 98	2340 63	282 44
Effingham,	1839	-	-	67,750 00	115 52	14 86	100 66	183 71
do	1840	-	-	64,445 00	128 89	12 88	116 01	159 56
do	1841	-	-	75,720 00	227 16	22 51	201 65	175 80
do	1842	-	-	103,367 00	155 05	22 18	132 77	175 84
do	1843	-	-	81,970 00	163 94	40 89	123 05	178 33
do	1844	-	-	178,710 00	357 42	23 74	333 68	181 78
do	1845	-	-	201,577 00	605 87	37 33	568 54	200 47
do	1846	164,021 00	65,360 00	221,381 00	802 83	46 19	755 81	200 76
do	1847	168,577 00	57,372 00	225,951 00	790 82	108 92	852 10	206 45
do	1848	163,598 00	66,998 00	230,596 00	899 32	47 22	852 10	211 62
do	1849	131,026 00	92,982 00	224,008 00	1299 23	13 80	1155 43	215 66
Fayette,	1839	-	-	468,650 00	937 30	78 04	859 26	623 20
do	1840	-	-	43,115 00	872 23	94 01	778 22	589 92
do	1841	-	-	381,127 00	1143 38	96 03	1047 35	649 96
do	1842	-	-	471,134 00	706 70	56 73	649 97	650 07
do	1843	-	-	543,250 00	1086 50	81 06	1005 44	659 26
do	1844	-	-	382,380 00	764 76	31 34	733 42	675 74
do	1845	-	-	541,954 00	1625 86	219 32	1344 54	637 53
do	1846	467,481 43	157,130 00	624,619 43	2186 16	187 68	1918 48	638 41
do	1847	462,382 00	146,942 00	609,324 00	2251 49	84 77	2161 72	656 55
do	1848	-	-	663,347 00	2454 38	104 83	2349 55	672 91
do	1849	366,731 00	275,671 00	642,462 00	3726 27	248 45	3477 12	685 84
Franklin,	1839	-	-	326,155 00	652 71	62 34	569 97	468 35
do	1840	-	-	175,830 00	351 66	42 95	308 71	360 26
do	1841	-	-	175,830 00	527 49	39 14	488 35	396 93
do	1842	-	-	168,887 00	253 33	30 85	222 48	397 01
do	1843	-	-	171,240 00	348 48	44 83	303 65	402 62
do	1844	-	-	244,255 00	448 51	39 37	409 14	412 63
do	1845	-	-	275,620 00	826 86	71 37	755 49	408 90
do	1846	135,322 00	130,836 00	266,158 00	931 56	72 67	858 89	409 50
do	1847	141,217 00	111,808 00	253,025 00	936 19	97 69	834 50	421 13
do	1848	147,032 00	134,029 00	283,061 00	1047 32	76 69	970 63	431 64
do	1849	151,055 00	203,792 00	354,847 00	2058 11	118 36	1939 75	439 90
Fulton,	1839	-	-	1,744,035 00	3488 07	186 54	3301 53	988 46

County.	Year.	Real estate.	Personal property.	Total value property.	Revenue and special state tax.	Abate-ments, commissions, &c.	Net amount of state tax.	Balance due, exclusive of interest or cost.	Interest on school, &c. fund.
Fulton—continued.	1840	-	-	\$1,753,190 00	\$ 3506 38	\$ 1016 84	\$ 4289 54	-	\$1219 46
do	1841	-	-	1,750,164 00	5250 49	305 63	4944 86	-	1313 62
do	1842	-	-	2,150,254 00	3225 38	211 56	3013 82	-	1343 90
do	1843	-	-	2,253,295 00	4506 59	54 88	4451 71	-	1362 78
do	1844	-	-	2,287,815 00	4575 63	162 63	4413 00	-	1396 34
do	1845	-	-	2,377,587 00	7132 76	284 44	6848 32	-	1382 4
do	1846	-	-	2,239,163 00	8182 25	343 84	7838 41	-	1304 29
do	1847	\$1,913,567 00	\$451,802 00	2,365,369 00	8752 21	354 25	8397 96	-	1311 28
do	1848	1,956,610 00	488,405 00	2,445,115 00	9046 92	359 25	8687 90	-	1374 90
do	1849	1,858,287 00	589,944 00	2,448,231 00	14,200 01	707 76	13,492 25	\$ 3184 23	1401 12
Gallatin,	1839	-	-	799,815 00	1579 63	176 11	1403 52	-	1259 90
do	1840	-	-	1,058,525 00	2117 05	137 02	1980 03	699 25	1002 91
do	1841	-	-	1,172,837 00	3518 51	453 73	3064 78	-	1105 00
do	1842	-	-	948,474 00	1422 71	173 04	1249 67	-	1105 21
do	1843	-	-	1,018,890 00	2037 78	127 02	1910 76	-	1120 78
do	1844	-	-	951,465 00	1902 93	77 79	1825 14	562 11	118 79
do	1845	-	-	965,777 00	2897 33	128 20	2769 13	870 35	833 70
do	1846	843,850 00	811,168 00	1,655,018 00	5792 56	1143 80	4648 76	1489 36	831 48
do	1847	463,838 00	409,200 00	873,038 90	3230 24	375 19	2855 05	1095 50	482 45
do	1848	595,617 00	373,731 00	969,348 00	3703 03	977 51	2725 52	-	494 54
do	1849	532,793 00	408,645 00	961,438 00	5576 34	1457 03	4119 31	-	503 98
Greene,	1839	-	-	1,004,000 00	2808 00	-	2008 00	-	2070 26
do	1840	-	-	1,531,760 00	3063 52	334 12	2729 40	-	1031 46
do	1841	-	-	1,417,034 00	4251 10	686 37	3664 73	-	1139 76
do	1842	-	-	1,356,547 00	2034 82	173 25	1861 57	-	1139 97
do	1843	-	-	1,239,135 00	2478 27	137 88	2340 39	-	1156 03
do	1844	-	-	1,161,510 00	2323 02	125 89	2107 13	-	1184 93
do	1845	-	-	1,391,104 00	4173 31	232 68	3940 63	-	890 56
do	1846	843,550 00	328,266 00	1,398,361 00	4683 53	272 75	4410 78	-	891 93
do	1847	463,838 00	373,280 00	1,426,508 00	5278 44	316 03	4962 41	-	917 12
do	1848	595,617 00	416,061 00	1,482,808 00	5486 38	249 28	5237 10	-	940 12
do	1849	552,793 00	476,430 00	1,549,380 00	8963 20	36 72	826 48	-	958 04

Grady,	1841	-	-	-	319,121 00	957 37	119 54	837 83	-	-	62 47
do	1842	-	-	-	380,200 00	570 30	133 76	436 94	-	-	64 03
do	1843	-	-	-	330,805 00	661 61	112 37	549 24	-	-	70 80
do	1844	-	-	-	332,910 00	665 82	50 57	615 25	266 81	-	72 26
do	1845	-	-	-	334,080 00	1017 24	83 91	933 33	1106 57	-	74 07
do	1846	-	-	-	372,707 00	1304 47	77 94	1226 53	1174 69	-	75 48
do	1847	-	-	-	388,762 00	1438 42	121 81	1316 61	-	-	475 28
do	1848	-	-	-	409,023 00	1513 40	83 02	1430 38	-	-	420 61
do	1849	-	-	-	465,011 00	2697 16	169 67	2527 49	-	-	463 43
Hamilton,	1850	-	-	-	156,620 00	313 24	27 63	285 61	-	-	481 81
do	1851	-	-	-	166,765 00	313 53	31 26	282 27	6 11	-	467 63
do	1852	-	-	-	147,744 00	464 23	48 86	415 37	-	-	468 31
do	1853	-	-	-	104,594 00	246 89	31 02	215 87	-	-	481 85
do	1854	-	-	-	174,675 00	349 35	40 42	308 93	-	-	493 65
do	1855	-	-	-	187,800 00	375 60	39 53	336 07	-	-	503 07
do	1856	-	-	-	202,530 00	607 59	65 57	552 00	-	-	532 18
do	1857	-	-	-	203,129 00	712 90	68 35	703 40	-	-	898 82
do	1858	-	-	-	215,556 00	777 75	68 35	703 40	-	-	990 35
do	1859	-	-	-	222,369 00	822 77	78 67	744 10	755 50	-	990 52
Hancock,	1860	-	-	-	200,659 00	1195 04	104 63	1090 41	-	-	1004 40
do	1861	-	-	-	1,401,440 00	2802 88	144 52	2658 36	-	-	1029 57
do	1862	-	-	-	1,355,050 00	2770 10	164 10	2606 00	-	-	1684 21
do	1863	-	-	-	1,722,357 00	5167 07	305 83	4861 24	-	-	1686 63
do	1864	-	-	-	2,189,594 00	3,384 39	227 73	3056 65	-	-	1734 27
do	1865	-	-	-	2,185,020 00	4370 04	208 39	4161 65	-	-	1777 93
do	1866	-	-	-	2,009,125 00	4018 25	430 94	3597 31	-	-	1811 84
do	1867	-	-	-	2,100,277 00	6300 83	1213 78	5087 05	-	-	121 92
do	1868	-	-	-	1,923,868 44	6733 53	566 29	6167 24	-	-	134 33
do	1869	-	-	-	1,920,310 44	6721 09	565 92	6155 17	-	-	134 36
do	1870	-	-	-	1,961,935 00	7841 04	444 06	7396 18	-	-	136 26
do	1871	-	-	-	1,932,851 00	11,250 68	716 80	10,533 88	-	-	139 66
Bardin,	1872	-	-	-	108,470 00	216 94	19 68	197 26	-	-	126 95
do	1873	-	-	-	97,054 00	291 16	29 88	261 28	-	-	117 15
do	1874	-	-	-	100,100 00	150 15	15 00	135 15	-	-	130 78
do	1875	-	-	-	104,870 00	209 74	34 73	175 01	-	-	134 03
do	1876	-	-	-	101,055 00	202 11	34 36	167 75	-	-	
do	1877	-	-	-	122,377 00	367 13	60 47	306 66	-	-	
do	1878	-	-	-	128,059 50	448 21	57 14	391 07	-	-	
do	1879	-	-	-	184,194 00	681 52	61 28	620 24	-	-	
do	1880	-	-	-	201,235 50	744 57	66 55	678 02	-	-	
do	1881	-	-	-	-	-	-	-	-	-	
do	1882	-	-	-	-	-	-	-	-	-	
do	1883	-	-	-	-	-	-	-	-	-	
do	1884	-	-	-	-	-	-	-	-	-	
do	1885	-	-	-	-	-	-	-	-	-	
do	1886	-	-	-	-	-	-	-	-	-	
do	1887	-	-	-	-	-	-	-	-	-	
do	1888	-	-	-	-	-	-	-	-	-	
do	1889	-	-	-	-	-	-	-	-	-	
do	1890	-	-	-	-	-	-	-	-	-	
do	1891	-	-	-	-	-	-	-	-	-	
do	1892	-	-	-	-	-	-	-	-	-	
do	1893	-	-	-	-	-	-	-	-	-	
do	1894	-	-	-	-	-	-	-	-	-	
do	1895	-	-	-	-	-	-	-	-	-	
do	1896	-	-	-	-	-	-	-	-	-	
do	1897	-	-	-	-	-	-	-	-	-	
do	1898	-	-	-	-	-	-	-	-	-	
do	1899	-	-	-	-	-	-	-	-	-	
do	1900	-	-	-	-	-	-	-	-	-	
do	1901	-	-	-	-	-	-	-	-	-	
do	1902	-	-	-	-	-	-	-	-	-	
do	1903	-	-	-	-	-	-	-	-	-	
do	1904	-	-	-	-	-	-	-	-	-	
do	1905	-	-	-	-	-	-	-	-	-	
do	1906	-	-	-	-	-	-	-	-	-	
do	1907	-	-	-	-	-	-	-	-	-	
do	1908	-	-	-	-	-	-	-	-	-	
do	1909	-	-	-	-	-	-	-	-	-	
do	1910	-	-	-	-	-	-	-	-	-	
do	1911	-	-	-	-	-	-	-	-	-	
do	1912	-	-	-	-	-	-	-	-	-	
do	1913	-	-	-	-	-	-	-	-	-	
do	1914	-	-	-	-	-	-	-	-	-	
do	1915	-	-	-	-	-	-	-	-	-	
do	1916	-	-	-	-	-	-	-	-	-	
do	1917	-	-	-	-	-	-	-	-	-	
do	1918	-	-	-	-	-	-	-	-	-	
do	1919	-	-	-	-	-	-	-	-	-	
do	1920	-	-	-	-	-	-	-	-	-	
do	1921	-	-	-	-	-	-	-	-	-	
do	1922	-	-	-	-	-	-	-	-	-	
do	1923	-	-	-	-	-	-	-	-	-	
do	1924	-	-	-	-	-	-	-	-	-	
do	1925	-	-	-	-	-	-	-	-	-	
do	1926	-	-	-	-	-	-	-	-	-	
do	1927	-	-	-	-	-	-	-	-	-	
do	1928	-	-	-	-	-	-	-	-	-	
do	1929	-	-	-	-	-	-	-	-	-	
do	1930	-	-	-	-	-	-	-	-	-	
do	1931	-	-	-	-	-	-	-	-	-	
do	1932	-	-	-	-	-	-	-	-	-	
do	1933	-	-	-	-	-	-	-	-	-	
do	1934	-	-	-	-	-	-	-	-	-	
do	1935	-	-	-	-	-	-	-	-	-	
do	1936	-	-	-	-	-	-	-	-	-	
do	1937	-	-	-	-	-	-	-	-	-	
do	1938	-	-	-	-	-	-	-	-	-	
do	1939	-	-	-	-	-	-	-	-	-	
do	1940	-	-	-	-	-	-	-	-	-	
do	1941	-	-	-	-	-	-	-	-	-	
do	1942	-	-	-	-	-	-	-	-	-	
do	1943	-	-	-	-	-	-	-	-	-	
do	1944	-	-	-	-	-	-	-	-	-	
do	1945	-	-	-	-	-	-	-	-	-	
do	1946	-	-	-	-	-	-	-	-	-	
do	1947	-	-	-	-	-	-	-	-	-	
do	1948	-	-	-	-	-	-	-	-	-	

County.	Year.	Real estate.	Personal property.	Total value property.	Revenue and special state tax.	Abatements, commissions, &c.	Net amount of state tax.	Balance due, exclusive of interest or cost.	Interest on school, &c. fund.
Hardin—continued,	1849	\$ 116,503 00	\$ 50,074 00	\$ 166,517 00	\$ 965 78	\$ 70 41	\$ 8,534	\$ 470 52	\$ 135 59
Henry,	1839	-	-	97,200 00	191 40	14 75	179 65	-	-
do	1840	-	-	132,705 00	265 41	46 92	218 49	-	105 47
do	1841	-	-	616,627 00	1849 88	1071 71	778 17	-	116 19
do	1842	-	-	550,547 00	825 82	60 41	765 41	-	116 22
do	1843	-	-	671,170 00	1342 34	77 82	1264 52	-	117 87
do	1844	-	-	620,495 00	1240 99	73 67	1167 32	-	120 81
do	1845	-	-	580,273 00	1740 82	132 88	1607 94	-	169 60
do	1846	539,317 00	74,867 00	614,184 00	2149 65	138 10	2011 55	-	167 83
do	1847	539,321 00	71,132 00	610,453 00	2258 67	144 81	2113 86	-	174 69
do	1848	522,509 00	80,445 00	603,954 00	2234 63	109 06	2123 57	-	179 06
do	1849	508,294 00	95,753 00	604,047 00	3503 46	241 98	3261 48	-	182 48
Henderson,	1841	-	-	698,080 00	2094 24	257 70	1836 54	-	-
do	1842	-	-	705,800 00	1058 70	82 38	576 32	-	-
do	1843	-	-	787,625 00	1575 25	73 65	1501 60	-	251 64
do	1844	-	-	771,415 00	1542 89	85 26	1157 63	-	261 00
do	1845	-	-	839,804 00	2519 41	100 18	2119 23	7 50	250 96
do	1846	716,663 00	125,276 00	841,939 00	2946 78	137 89	2808 89	-	251 34
do	1847	711,835 00	120,071 00	831,906 00	3078 04	133 82	2939 22	-	258 46
do	1848	774,080 00	172,851 00	946,931 00	3503 64	170 83	3332 81	-	264 93
do	1849	640,843 00	195,414 00	836,257 00	4850 29	215 97	4634 32	-	269 99
Iroquois,	1839	-	-	124,520 00	219 04	32 29	216 75	-	188 30
do	1840	-	-	150,390 00	300 76	26 77	273 99	-	156 67
do	1841	-	-	196,347 00	589 04	58 53	530 51	-	172 61
do	1842	-	-	290,980 00	436 47	46 89	389 58	-	172 65
do	1843	-	-	297,100 00	591 20	74 84	519 36	-	175 09
do	1844	-	-	361,000 00	722 00	61 82	660 18	-	179 46
do	1845	-	-	385,427 00	1156 28	149 03	967 25	-	206 13
do	1846	291,503 00	133,420 00	424,923 00	1497 73	107 03	1390 70	-	206 43
do	1847	323,891 00	116,112 00	439,003 00	1624 29	149 63	1474 66	-	212 27
do	1848	354,210 82	142,112 00	496,322 82	1861 21	119 49	1741 72	-	217 59
do	1849	365,878 21	164,780 35	530,658 56	3077 81	199 04	2878 77	-	221 76

Jackson,	1839	-	-	415,470 00	830 94	68 51	762 43	474 20
do	1840	-	-	445,680 00	891 38	68 09	823 29	338 8
do	1841	-	-	48,337 00	1465 01	102 94	1162 07	372 94
do	1842	-	-	439,070 00	6 80	182 99	475 61	373 01
do	1843	-	-	411,500 00	823 0	78 64	744 66	378 26
do	1844	-	-	430,700 00	861 46	65 7	795 75	387 61
do	1845	-	-	435,187 00	1305 46	162 81	112 75	400 14
do	1846	129,98 00	-	409,315 81	142 60	101 57	1331 03	400 75
do	1847	289,232 75	-	415,293 75	1535 57	107 02	1429 55	412 11
do	1848	240,757 00	-	497,193 00	18 9 61	97 82	1741 79	422 42
do	1849	28,3127 00	-	46,018 00	2611 30	107 08	2582 22	430 50
Jasper,	1839	-	-	48,930 00	29,055 00	-	58 11	1915 63
do	1840	-	-	65,327 00	97 86	9 78	88 08	71 64
do	1841	-	-	8,040 00	195 68	26 88	168 80	117 81
do	1842	-	-	18,470 00	12 06	19 60	112 46	139 80
do	1843	-	-	149,300 00	276 91	22 31	254 64	129 83
do	1844	-	-	191,153 00	198 66	27 39	271 27	131 66
do	1845	-	-	21,231 00	582 46	40 12	512 34	134 95
do	1846	139,663 00	-	215,175 00	746 52	62 91	681 41	181 43
do	1847	156,075 00	-	22,019 00	796 14	60 45	75 69	181 72
do	1848	154,880 00	-	173,679 00	8 7 78	55 70	762 08	181 86
do	1849	98,012 00	-	33,770 00	1007 33	77 77	9 9 56	191 54
Jefferson,	1839	-	-	348,035 00	667 51	63 83	603 66	195 20
do	1840	-	-	375,631 00	496 07	48 40	647 67	696 64
do	1841	-	-	411,114 00	114 90	117 17	1009 73	552 12
do	1842	-	-	45,080 00	61 67	76 93	581 74	608 51
do	1843	-	-	462,000 00	890 16	72 10	818 06	617 02
do	1844	-	-	56,192 00	925 00	69 11	855 89	613 37
do	1845	-	-	68,522 00	1689 57	129 0	1760 56	613 37
do	1846	353,509 00	-	5,852 00	22 9 85	434 77	18 5 0	614 25
do	1847	318,867 00	-	5,852 00	20 6 51	132 13	131 41	631 67
do	1848	292,507 00	-	5,6134 00	1984 80	116 95	1867 85	614 25
do	1849	216,835 00	-	505,320 00	2926 31	150 30	276 04	659 85
Jersey,	1839	-	-	496,020 00	192 00	-	992 00	407 05
do	1840	-	-	729,850 00	1459 61	145 16	1311 48	448 49
do	1841	-	-	851,370 00	2531 11	192 04	232 07	448 59
do	1842	-	-	904,934 00	137 40	110 33	1247 02	454 90
do	1843	-	-	852,920 00	1705 81	84 45	1621 39	466 27
do	1844	-	-	1,079,510 00	2159 02	138 26	2000 76	430 00
do	1845	-	-	831,000 00	2673 00	121 01	2551 59	

County.	Year.	Real estate.	Personal property.	Total value property.	Revenue and special state tax.	Abatements, commissions, &c.	Net amount of state tax.	Balance due, exclusive of interest or cost.	Interest on school, &c. fund.
Jersey--continued,	1846	\$717,063 02	\$186,296 00	\$903,359 02	\$3161 75	\$ 309 65	\$2852 10	-	\$430 60
do	1847	752,947 00	187,638 00	940,585 00	3479 97	186 44	293 53	-	442 81
do	1848	748,494 00	187,531 00	936,025 00	3463 28	149 13	3314 15	-	453 89
do	1849	741,998 00	219,751 00	961,749 00	5578 11	302 90	6275 21	-	462 57
Jo Daviess,	1839	-	-	30,650 00	679 30	413 57	215 93	-	498 82
do	1840	-	-	33,715 00	767 43	69 57	197 86	-	476 23
do	1841	-	-	32,574 00	1147 72	89 86	1057 86	-	521 73
do	1842	-	-	815,794 00	1268 63	214 87	1053 83	-	524 81
do	1843	-	-	1,098,375 00	2196 75	466 00	170 75	-	542 21
do	1844	-	-	1,508,770 00	3017 54	187 51	2830 03	-	545 51
do	1845	-	-	1,548,087 00	4644 26	302 38	4341 88	-	787 49
do	1846	1,284,266 00	639,683 00	1,923,949 00	6733 82	447 91	6295 91	-	788 63
do	1847	2,127,101 00	676,818 00	2,803,919 00	10,374 45	1075 74	9298 71	-	810 99
do	1848	-	-	2,883,610 00	10,619 52	582 87	10,036 65	-	831 29
do	1849	2,099,335 00	685,890 00	2,785,225 00	16,154 28	775 90	15,378 38	-	847 17
Johnson,	1839	-	-	272,030 00	-	-	-	\$ 504 03	367 42
do	1840	-	-	281,750 00	544 18	40 15	504 03	-	361 93
do	1841	-	-	281,750 00	845 25	136 17	709 08	-	398 84
do	1842	-	-	217,180 00	400 77	81 33	319 44	-	198 92
do	1843	-	-	178,440 00	356 88	-	356 88	356 88	257 77
do	1844	-	-	199,475 00	398 95	44 74	351 21	-	264 21
do	1845	-	-	204,250 00	627 75	104 24	523 51	-	307 65
do	1846	87,569 00	100,372 00	187,941 00	657 79	100 79	557 00	-	308 09
do	1847	91,161 00	102,921 00	194,082 00	718 66	79 54	639 12	-	316 82
do	1848	84,521 00	106,584 00	191,105 00	707 08	136 59	570 49	-	324 75
do	1849	-	-	185,310 00	1074 79	120 98	953 81	-	330 96
Kane,	1839	-	-	254,910 00	509 82	48 27	461 55	-	552 71
do	1840	-	-	289,565 00	679 13	63 58	515 55	-	609 02
do	1841	-	-	192,787 00	578 36	73 96	504 40	-	609 12
do	1842	-	-	235,974 00	753 96	53 96	300 00	-	499 74
do	1843	-	-	259,500 00	519 12	53 34	465 78	-	499 74
do	1844	-	-	331,370 00	664 74	83 09	581 65	-	512 23

do	1845	-	193,252 25	-	445,947 00	501,640 09	1513 92	171 01	1342 91	863 19
do	1846	-	416,185 00	-	321,320 42	639,199 25	2237 19	171 65	2065 54	864 42
do	1847	-	824,536 03	-	630,225 00	767,505 00	2686 27	255 99	2,130 28	888 94
do	1848	-	942,001 00	-	500,000 00	1,434,761 03	5471 33	148 87	5324 46	911 19
Knox,	1849	-	-	-	-	1,442,001 00	8363 60	216 10	8145 50	928 59
do	1850	-	-	-	-	1,220,760 00	2441 52	114 93	2326 59	337 76
do	1840	-	-	-	-	1,186,9 5 00	2373 99	168 64	2215 35	653 92
do	1841	-	-	-	-	1,413,550 00	4240 65	229 97	4010 68	720 50
do	1842	-	-	-	-	1,542,254 00	2313 38	129 91	2183 47	720 61
do	1843	-	-	-	-	1,593,265 00	3186 53	135 74	3050 79	730 79
do	1844	-	-	-	-	1,705,110 00	3410 22	127 73	3282 49	749 05
do	1845	-	-	-	-	1,819,587 00	5408 76	206 83	5251 93	745 23
do	1846	-	1,557,359 00	-	327,916 00	1,885,315 00	6593 60	248 90	6349 70	746 29
do	1847	-	1,583,806 00	-	367,176 00	1,950,982 00	7288 50	277 71	6990 79	767 45
do	1848	-	1,949,957 00	-	35,608 00	1,985,566 00	7398 29	288 17	7110 12	786 65
do	1849	-	1,495,940 00	-	473,760 00	1,969,700 00	11,426 92	425 43	11,001 49	801 68
Kendall,	1841	-	-	-	-	222,917 00	668 76	82 20	586 55	-
do	1842	-	-	-	-	244,754 00	367 13	42 7-	324 34	274 58
do	1843	-	-	-	-	303,270 00	606 54	124 48	482 06	281 44
do	1844	-	-	-	-	318,500 00	637 00	59 44	577 56	386 14
do	1845	-	-	-	-	614,470 00	1933 41	164 41	1769 00	386 73
do	1846	-	418,363 00	-	238,026 00	656,389 00	2287 16	160 71	2136 65	397 68
do	1847	-	465,170 74	-	282,953 37	748,124 11	2708 06	167 01	2601 05	397 63
do	1848	-	747,436 00	-	306,933 00	1,031,369 00	3901 16	176 17	374 99	415 43
do	1849	-	863,101 00	-	342,638 00	1,205,739 00	6993 29	261 91	6631 38	232 71
Lake,	1810	-	-	-	-	5,385 00	190 77	26 13	164 64	256 41
do	1811	-	-	-	-	105,887 00	317 66	37 73	279 93	256 52
do	1812	-	-	-	-	110,267 00	165 40	20 09	145 31	256 47
do	1843	-	-	-	-	163,185 00	326 37	57 59	268 78	265 96
do	1844	-	-	-	-	201,070 00	402 14	83 08	319 06	575 96
do	1845	-	-	-	-	273,564 00	820 69	83 95	736 74	576 86
do	1846	-	212,740 00	-	302,419 00	515,209 00	1803 33	142 40	1060 83	595 79
do	1847	-	631,060 00	-	395,365 00	1,026,425 00	3797 77	401 94	3395 83	608 00
do	1848	-	825,012 00	-	361,987 00	1,186,999 00	4154 50	441 57	3712 93	619 62
do	1849	-	814,726 00	-	407,362 00	1,222,088 00	7179 87	648 68	6531 19	675 78
La Salle,	1839	-	-	-	-	835 245 00	1674 49	246 62	1423 87	666 57
do	1840	-	-	-	-	788 340 00	1576 68	249 41	1327 27	734 45
do	1841	-	-	-	-	2,429,617 00	7288 85	1295 19	5993 66	731 57
do	1842	-	-	-	-	1,829,047 00	2743 57	336 77	2407 80	525 86
do	1843	-	-	-	-	1,537,900 00	3075 80	434 11	2641 69	-

County.	Year.	Real estate.	Personal property.	Total value property.	Revenue and special state tax	Abatement, commissions, &c.	Net amount of state tax.	Balance due, exclusive of interest or cost.	Interest on school, &c. fund.
La Salle—continued,									
do	1844	-	-	\$1,469,205 00	\$2938 41	\$ 2 4 02	\$ 2704 39	-	\$ 539 00
do	1845	-	-	1,695,867 00	5087 60	312 77	4774 83	-	672 86
do	1846	\$1,523,646 00	\$ 283,851 00	1,807,497 00	6326 24	450 97	5875 27	-	673 83
do	1847	1,674,249 00	-	1,972,753 00	7887 12	927 80	6959 26	-	692 94
do	1848	1,681,946 00	370,886 00	2,052,832 00	7595 47	498 47	7097 00	-	710 28
do	1849	1,569,288 00	399,212 00	1,968,500 00	11,417 30	1063 19	10,354 11	-	723 86
Lawrence,									
do	1839	-	-	747,370 00	1495 74	119 98	1374 76	-	718 32
do	1840	-	-	67,790 00	1349 58	178 83	1170 75	-	6 04
do	1841	-	-	722,894 00	2168 98	220 70	1948 28	-	697 49
do	1842	-	-	542,027 00	813 04	57 56	755 68	\$ 1 6 23	697 55
do	1843	-	-	480,065 00	960 13	87 20	872 93	-	479 52
do	1844	-	-	590,310 00	1180 62	140 02	1040 60	-	491 50
do	1845	-	-	682,453 00	2047 36	133 66	1913 70	-	411 56
do	1846	465,516 00	193,192 00	658,708 00	2 05 47	138 61	216 86	-	412 46
do	1847	502,646 00	173,039 00	675,685 00	2497 82	212 18	2285 64	-	424 10
do	1848	519,682 00	173,932 00	693,614 00	2579 08	222 10	2356 98	-	434 76
do	1849	369,663 00	181,344 00	551,007 00	3195 86	223 94	2971 92	87 96	443 08
Lee,									
do	1840	-	-	88,775 00	177 55	25 49	152 06	-	147 97
do	1841	-	-	11,420 00	274 26	30 68	243 58	-	163 04
do	1842	-	-	94,134 00	141 20	20 16	121 11	-	163 16
do	1843	-	-	102,455 00	204 91	35 83	169 08	-	165 39
do	1844	-	-	108,530 00	217 06	39 91	177 15	-	169 51
do	1845	-	-	127,980 00	383 94	44 58	339 36	-	227 12
do	1846	127,491 00	141,883 00	269,374 00	942 81	78 59	861 22	-	227 29
do	1847	110,895 00	146,663 00	257,558 00	955 86	73 46	882 39	-	234 24
do	1848	189,545 00	1 4,441 00	35,989 00	1315 04	114 84	1200 20	-	240 11
do	1849	215,460 00	168,41 00	38,801 00	2226 04	186 31	2039 73	-	244 69
Livingson,									
do	1839	-	-	38,890 00	77 78	11 21	66 57	-	65 66
do	1840	-	-	3,305 00	66 61	6 66	59 95	-	72 41
do	1841	-	-	29,137 00	117 41	13 27	104 14	-	72 43
do	1842	-	-	61,300 00	76 95	7 68	69 27	-	73 42
do	1843	-	-	4,730 00	87 46	12 45	75 01	-	

do	1844	-	-	88,265 00	176 53	22 25	154 28	-	75 26
do	1845	-	-	155,137 00	465 41	42 80	422 61	-	77 00
do	1846	124,269 00	44,129 00	168,398 00	589 41	51 82	532 59	266 22	77 09
do	1847	121,633 00	52,914 00	173,547 00	643 51	63 16	580 39	-	79 27
do	1848	128,865 00	61,373 00	190,238 00	703 88	61 66	642 22	-	81 25
do	1849	130,170 00	60,539 00	190,709 00	1106 11	68 16	1037 85	601 29	82 81
Logan,	1850	-	-	184,115 00	368 39	35 43	332 96	-	250 00
do	1840	-	-	279,355 00	558 71	46 02	512 69	-	215 03
do	1841	-	-	421,430 00	1217 29	98 51	1168 78	-	236 92
do	1842	-	-	572,054 00	858 68	65 76	792 32	-	236 94
do	1843	-	-	654,285 00	1308 57	65 27	1243 30	-	240 32
do	1844	-	-	664,870 00	13 9 74	71 76	1257 98	-	216 32
do	1845	-	-	701,814 00	2120 44	100 68	2019 76	-	308 16
do	1846	531,860 00	180,551 00	703,811 00	2459 84	108 71	2361 13	-	308 61
do	1847	530,074 00	156,756 00	736,830 00	2738 24	187 01	2551 23	-	3 7 35
do	1848	588,329 00	18,030 00	770, 59 00	2850 22	178 20	2672 02	-	325 29
do	1849	429,417 00	205,135 00	634,852 00	3690 56	175 63	3514 93	903 20	311 51
do	1850	-	-	596,895 00	1193 79	123 18	1070 61	-	508 61
do	1840	-	-	385,4 5 00	770 91	56 25	714 66	61 43	286 90
do	1841	-	-	574,333 00	1123 00	100 62	1022 38	-	316 17
do	1842	-	-	574,527 00	787 39	53 52	734 07	-	316 20
do	1843	-	-	517,700 00	1035 40	40 98	994 42	-	262 56
do	1844	-	-	503,090 00	1006 18	336 15	670 03	-	269 12
do	1845	-	-	383,900 00	1157 70	324 92	8 2 78	-	228 19
do	1846	425,018 00	137,658 00	562,676 00	1969 37	149 79	1819 58	-	228 43
do	1847	421,812 80	129,741 00	571,553 80	2114 75	129 31	1985 44	-	234 90
do	1848	465,894 00	151,624 00	617,518 00	2284 80	115 17	2169 63	-	240 78
do	1849	473,695 00	199,266 00	672,961 00	3903 17	115 18	3747 99	-	245 39
do	1850	-	-	761,325 00	1522 65	257 45	1365 00	-	919 04
do	1840	-	-	8 9,850 00	1719 70	107 04	1612 66	-	733 32
do	1841	-	-	1,480,624 00	4441 87	322 07	4119 80	-	807 91
do	1842	-	-	1,884,400 00	2526 60	217 65	2608 95	-	808 05
do	1843	-	-	1,648,245 00	3295 49	146 79	3149 70	-	819 52
do	1844	-	-	1,592 015 00	3164 03	194 99	2169 04	-	840 00
do	1845	-	-	1,678 053 00	5034 16	288 59	4745 17	-	777 59
do	1846	-	-	1,754,039 00	6131 13	294 16	5844 97	-	778 71
do	1 47	1,309,634 10	421,507 56	1,731,141 00	6405 22	370 10	6035 12	-	800 80
do	1848	-	-	1,726,959 00	3389 74	295 97	6093 77	11 63	820 83
do	1849	-	-	1,748,069 89	10,138 80	465 14	9673 66	418 10	836 52
do	1850	-	-	1,015,710 00	2031 42	244 51	1786 91	-	896 90

Macoupin,

McLean,

County.	Year.	Real estate.	Personal property.	Total value property.	Revenue and special state tax.	Abatement, commissions, &c.	Net amount of state tax.	Balance due, exclusive of interest or cost.	Interest on school, &c. fund.
McLean-continued,	1810	-	-	\$ 873,195 00	\$1746 39	\$ 157 93	\$ 1588 46	-	\$ 599 82
	1811	-	-	931,20 00	2794 26	223 36	2570 90	-	66: 90
	1812	-	-	1,029,014 00	1543 52	131 43	1112 90	-	6: 0 97
	1813	-	-	1,220,460 00	2410 92	110 03	2330 89	-	433 31
	1814	-	-	1,241,660 00	2483 32	102 80	2380 52	-	444 14
	1815	-	-	1,255 520 00	3766 56	192 80	3573 76	-	526 21
	1816	\$ 955,520 00	\$ 313,860 00	1,299 320 00	4547 62	209 28	4338 34	-	527 00
	1817	955,154 00	1,403,555 00	1,359,039 00	5028 43	215 81	4812 62	\$ 77 00	541 91
	1818	989,103 00	435,605 00	1,424,708 00	5269 20	296 69	4972 51	-	555 49
	1819	1,001,750 00	556,234 00	1,537,984 00	5920 31	402 80	8317 51	2204 58	566 11
McDonough,	1820	-	-	1,255,180 00	2470 36	155 20	2315 16	-	482 30
	1821	-	-	1,183,385 00	2366 77	174 90	2191 87	-	504 73
	1822	-	-	1,679,770 00	5159 31	143 05	4896 26	-	556 13
	1823	-	-	1,431,654 00	2147 48	141 22	2006 26	-	556 29
	1824	-	-	1,397,790 00	2795 58	134 33	2561 25	-	564 06
	1825	-	-	1,402,460 00	2804 92	124 22	2680 70	-	578 16
	1826	-	-	1,220,944 00	3602 83	132 74	3530 09	-	489 48
	1827	1,090,778 00	163,997 00	1,254,775 00	4391 71	236 97	4154 74	-	490 19
	1828	1,071,673 00	159,359 00	1,231,032 00	4555 75	175 71	4380 04	-	504 55
	1829	1,169,775 00	234,703 00	1,404,478 00	5198 80	198 35	5000 45	-	516 70
McHenry,	1830	803,055 00	265,825 00	1,068,880 00	6199 50	239 57	5959 93	-	526 58
	1831	-	-	88,930 00	177 86	29 02	148 84	-	248 41
	1832	-	-	131,610 00	394 83	40 34	354 49	-	273 60
	1833	-	-	170,120 00	255 18	19 92	235 26	67 26	273 73
	1834	-	-	148,680 00	297 16	33 50	263 86	-	277 61
	1835	-	-	233,015 00	466 03	38 98	427 05	-	284 55
	1836	-	-	526,120 00	1578 36	191 10	1387 06	-	720 66
	1837	530,017 00	325,612 00	855,629 00	2994 70	246 71	2747 99	709 75	721 70
	1838	561,479 00	364,992 00	926,471 00	3431 59	325 76	3108 83	1871 62	741 91
	1839	806,213 00	437,140 00	1,243,353 00	4614 76	365 40	4255 96	-	76 74
Maddison,	1840	964,954 00	580,323 00	1,545,277 00	9007 50	705 03	8302 47	-	775 28
	1839	-	-	3,375,790 00	6751 58	636 72	6114 86	-	1864 35

do	1840	-	-	2,643,055 00	5285 31	321 53	4953 78	-	1074 84
do	1841	-	-	3,131,550 00	9,91 65	805 59	8589 06	-	1184 23
do	1842	-	-	3,169,354 00	4751 03	414 20	4339 83	37 63	1184 49
do	1843	-	-	3,019,222 00	6038 45	596 70	5641 75	-	1201 17
do	1844	-	-	3,063,450 00	6124 90	488 13	5636 77	-	1231 14
do	1845	-	-	2,976,507 00	8929 52	544 12	8385 40	-	129 00
do	1846	2,374,607 00	710,272 00	3,084,879 00	10,797 01	670 49	10,126 58	-	1270 83
do	1847	2,447,44 56	716,587 00	3,324,127 56	11,929 27	796 00	11,133 27	38 48	1307 14
do	1848	2,578,471 00	818,207 00	3,496,678 00	12,715 71	853 03	11,862 68	44 95	1339 58
do	1849	2,607,141 00	924,114 00	3,531,255 00	20,829 27	1268 03	19,561 24	584 68	1365 17
Marion,	1850	-	-	224,000 00	448 00	38 26	409 74	-	475 20
do	1851	-	-	217,855 00	435 71	44 83	390 88	-	459 01
do	1852	-	-	253,600 00	710 80	67 47	693 38	-	505 75
do	1853	-	-	331,794 00	497 69	59 76	437 93	-	505 85
do	1854	-	-	417,380 00	834 76	64 31	780 45	-	512 97
do	1855	-	-	469,620 00	939 24	54 84	884 40	-	525 79
do	1856	-	-	543,400 00	1627 20	161 66	1465 54	-	499 63
do	1857	-	-	510,000 00	1940 00	119 85	1810 20	-	500 36
do	1858	396,032 00	214,073 00	610,105 00	2257 39	153 09	2104 33	-	514 83
do	1859	409,550 00	201,170 00	611,400 00	2265 87	116 76	2149 11	-	527 41
do	1860	243,833 00	255,038 00	483,331 00	2803 26	138 72	2604 54	-	537 50
Marshall,	1861	-	-	350,000 00	700 00	13 34	636 66	-	160 02
do	1862	-	-	493,390 00	986 78	85 70	901 08	-	176 30
do	1863	-	-	663,140 00	1995 42	155 40	1840 02	-	176 34
do	1864	-	-	630,280 00	945 42	67 86	877 56	-	178 84
do	1865	-	-	663,845 00	1331 79	67 50	1264 29	-	183 31
do	1866	-	-	735,95 00	1470 79	64 96	1405 83	-	2 5 00
do	1867	-	-	80,164 00	2406 49	116 87	2289 62	-	215 30
do	1868	670,914 00	163,300 00	840,274 00	2940 86	159 08	2781 78	-	221 40
do	1869	676,785 00	167,862 00	844,447 00	2951 26	133 38	2822 88	-	226 15
do	1870	733,036 00	168,911 00	907,947 00	3351 40	100 14	319 26	-	2 1 28
do	1871	684,780 00	51,547 00	776,327 00	4502 69	219 20	4283 49	-	289 02
do	1872	-	-	182,940 00	365 88	119 38	246 50	-	296 14
do	1873	-	-	185,300 00	371 18	47 00	321 18	-	242 36
do	1874	-	-	213,887 00	618 66	63 33	605 33	-	242 72
do	1875	151,147 00	61,014 00	212,161 00	742 70	103 29	639 41	-	249 85
do	1876	133,440 00	53,41 00	187,781 00	691 08	55 35	635 73	-	255 81
do	1877	155,540 00	43,460 00	200,000 00	740 00	66 22	173 78	-	260 73
do	1878	165,120 00	98,044 00	263,164 00	1532 13	127 01	1405 04	-	500 00
do	1879	-	-	653,475 00	1306 95	179 12	1127 83	-	
do	1880	-	-	-	-	-	-	-	
do	1881	-	-	-	-	-	-	-	
do	1882	-	-	-	-	-	-	-	
do	1883	-	-	-	-	-	-	-	
do	1884	-	-	-	-	-	-	-	
do	1885	-	-	-	-	-	-	-	
do	1886	-	-	-	-	-	-	-	
do	1887	-	-	-	-	-	-	-	
do	1888	-	-	-	-	-	-	-	
do	1889	-	-	-	-	-	-	-	
do	1890	-	-	-	-	-	-	-	
do	1891	-	-	-	-	-	-	-	
do	1892	-	-	-	-	-	-	-	
do	1893	-	-	-	-	-	-	-	
do	1894	-	-	-	-	-	-	-	
do	1895	-	-	-	-	-	-	-	
do	1896	-	-	-	-	-	-	-	
do	1897	-	-	-	-	-	-	-	
do	1898	-	-	-	-	-	-	-	
do	1899	-	-	-	-	-	-	-	
do	1900	-	-	-	-	-	-	-	
do	1901	-	-	-	-	-	-	-	
do	1902	-	-	-	-	-	-	-	
do	1903	-	-	-	-	-	-	-	
do	1904	-	-	-	-	-	-	-	
do	1905	-	-	-	-	-	-	-	
do	1906	-	-	-	-	-	-	-	
do	1907	-	-	-	-	-	-	-	
do	1908	-	-	-	-	-	-	-	
do	1909	-	-	-	-	-	-	-	
do	1910	-	-	-	-	-	-	-	
do	1911	-	-	-	-	-	-	-	
do	1912	-	-	-	-	-	-	-	
do	1913	-	-	-	-	-	-	-	
do	1914	-	-	-	-	-	-	-	
do	1915	-	-	-	-	-	-	-	
do	1916	-	-	-	-	-	-	-	
do	1917	-	-	-	-	-	-	-	
do	1918	-	-	-	-	-	-	-	
do	1919	-	-	-	-	-	-	-	
do	1920	-	-	-	-	-	-	-	
do	1921	-	-	-	-	-	-	-	
do	1922	-	-	-	-	-	-	-	
do	1923	-	-	-	-	-	-	-	
do	1924	-	-	-	-	-	-	-	
do	1925	-	-	-	-	-	-	-	
do	1926	-	-	-	-	-	-	-	
do	1927	-	-	-	-	-	-	-	
do	1928	-	-	-	-	-	-	-	
do	1929	-	-	-	-	-	-	-	
do	1930	-	-	-	-	-	-	-	
do	1931	-	-	-	-	-	-	-	
do	1932	-	-	-	-	-	-	-	
do	1933	-	-	-	-	-	-	-	
do	1934	-	-	-	-	-	-	-	
do	1935	-	-	-	-	-	-	-	
do	1936	-	-	-	-	-	-	-	
do	1937	-	-	-	-	-	-	-	
do	1938	-	-	-	-	-	-	-	
do	1939	-	-	-	-	-	-	-	
do	1940	-	-	-	-	-	-	-	
do	1941	-	-	-	-	-	-	-	
do	1942	-	-	-	-	-	-	-	
do	1943	-	-	-	-	-	-	-	
do	1944	-	-	-	-	-	-	-	
do	1945	-	-	-	-	-	-	-	
do	1946	-	-	-	-	-	-	-	
do	1947	-	-	-	-	-	-	-	
do	1948	-	-	-	-	-	-	-	
do	1949	-	-	-	-	-	-	-	
do	1950	-	-	-	-	-	-	-	
do	1951	-	-	-	-	-	-	-	
do	1952	-	-	-	-	-	-	-	
do	1953	-	-	-	-	-	-	-	
do	1954	-	-	-	-	-	-	-	
do	1955	-	-	-	-	-	-	-	
do	1956	-	-	-	-	-	-	-	
do	1957	-	-	-	-	-	-	-	
do	1958	-	-	-	-	-	-	-	
do	1959	-	-	-	-	-	-	-	
do	1960	-	-	-	-	-	-	-	
do	1961	-	-	-	-	-	-	-	
do	1962	-	-	-	-	-	-	-	
do	1963	-	-	-	-	-	-	-	
do	1964	-	-	-	-	-	-	-	
do	1965	-	-	-	-	-	-	-	
do	1966	-	-	-	-	-	-	-	
do	1967	-	-	-	-	-	-	-	
do	1968	-	-	-	-	-	-	-	
do	1969	-	-	-	-	-	-	-	
do	1970	-	-	-	-	-	-	-	
do	1971	-	-	-	-	-	-	-	
do	1972	-	-	-	-	-	-	-	
do	1973	-	-	-	-	-	-	-	
do	1974	-	-	-	-	-	-	-	
do	1975	-	-	-	-	-	-	-	
do	1976	-	-	-	-	-	-	-	
do	1977	-	-	-	-	-	-	-	
do	1978	-	-	-	-	-	-	-	
do	1979	-	-	-	-	-	-	-	
do	1980	-	-	-	-	-	-	-	
do	1981	-	-	-	-	-	-	-	
do	1982	-	-	-	-	-	-	-	
do	1983	-	-	-	-	-	-	-	
do	1984	-	-	-	-	-	-	-	
do	1985	-	-	-	-	-	-	-	
do	1986	-	-	-	-	-	-	-	
do	1987	-	-	-	-	-	-	-	
do	1988	-	-	-	-	-	-	-	
do	1989	-	-	-	-	-	-	-	
do	1990	-	-	-	-	-	-	-	
do	1991	-	-	-	-	-	-	-	
do	1992	-	-	-	-	-	-	-	
do	1993	-	-	-	-	-	-	-	
do	1994	-	-	-	-	-	-	-	
do	1995	-	-	-	-	-	-	-	
do	1996	-	-	-	-	-	-	-	
do	1997	-	-	-	-	-	-	-	
do	1998	-	-	-	-	-	-	-	
do	1999	-	-	-	-	-	-	-	
do	2000	-	-	-	-	-	-	-	
do	2001	-	-	-	-	-	-	-	
do	2002	-	-	-	-	-	-	-	
do	2003	-	-	-	-	-	-	-	
do	2004	-	-	-	-	-	-	-	
do	2005	-	-	-	-	-	-	-	
do	2006	-	-	-	-	-	-	-	
do	2007	-	-	-	-	-	-	-	
do	2008	-	-	-	-	-	-	-	
do	2009	-	-	-	-	-	-	-	
do	2010	-	-	-	-	-	-	-	
do	2011	-	-	-	-	-	-	-	
do	2012	-	-	-	-	-	-	-	
do	2013	-	-	-	-	-	-	-	
do	2014	-	-	-	-	-	-	-	

County.	Year.	Real estate.	Personal property.	Total value property.	Revenue and special state tax.	Abate-ments, commissions, &c.	Net amount of state tax.	Balanced up, exclusive of interest or cost.	Interest on school, &c. fund.
Mecklenburg—contin'd,	1840	-	-	\$624,640 00	\$ 1249 28	\$ 100 66	\$ 1148 62	-	\$420 00
do	1841	-	-	758,677 00	2276 03	166 38	210 65	-	462 76
do	1842	-	-	602,360 00	903 54	79 40	824 14	-	462 84
do	1843	-	-	642,815 00	1265 63	87 85	1177 78	-	374 80
do	1844	-	-	651,380 00	1302 76	79 95	1222 81	-	384 17
do	1845	-	-	692,253 00	2076 76	110 54	1666 22	-	383 88
do	1846	\$ 521,361 78	\$ 173,387 00	694,748 78	2431 63	175 96	2255 67	-	384 40
do	1847	559,089 09	227,588 00	786,687 09	2910 73	184 44	2726 29	-	395 33
do	1848	673,919 00	257,249 00	931,168 00	3075 32	105 70	2979 62	\$ 150 57	405 19
do	1849	619,682 52	333,682 03	953,364 55	5529 51	197 93	5331 58	-	412 94
Mercer,	1839	-	-	457,840 00	915 68	47 53	868 10	-	81 20
do	1840	-	-	489,925 00	979 85	68 65	911 19	-	223 10
do	1841	-	-	665,174 00	1995 52	115 54	1879 98	-	245 84
do	1842	-	-	639,754 00	989 63	102 91	886 72	-	245 89
do	1843	-	-	768,310 00	1636 62	82 12	1454 50	-	249 34
do	1844	-	-	709,985 00	1419 97	73 91	1346 06	-	255 57
do	1845	-	-	826,964 00	2480 89	120 75	230 14	-	321 80
do	1846	717,797 12	139,715 00	857,512 12	3101 29	257 93	2843 36	-	322 25
do	1847	720,591 32	140,083 00	860,674 32	3204 77	163 38	3041 39	-	331 38
do	1848	762,440 81	180,261 00	942,701 81	3488 10	163 46	3324 74	-	339 67
do	1849	500,278 22	169,512 00	670,090 22	3886 52	180 61	3705 91	-	346 17
Montgomery,	1839	-	-	436,165 00	872 33	92 49	779 84	-	630 81
do	1840	-	-	372,585 00	745 17	64 17	681 00	-	419 08
do	1841	-	-	362,843 00	1088 13	155 38	933 15	-	461 76
do	1842	-	-	561,554 00	842 33	187 78	654 55	-	461 85
do	1843	-	-	656,020 00	1312 04	187 22	1124 82	-	468 35
do	1844	-	-	615,735 00	1231 47	74 12	1157 35	-	480 05
do	1845	-	-	602,383 00	1807 15	113 55	1693 60	-	437 18
do	1846	517,532 00	150,593 00	668,125 00	2443 43	172 09	2271 34	-	477 81
do	1847	562,418 00	131,867 00	694,285 00	2568 85	161 44	2407 41	-	450 22
do	1848	-	-	681,177 00	2517 70	108 37	2409 31	-	461 49
do	1849	445,435 00	174,118 00	619,553 00	3893 40	146 94	3446 46	1761 23	470 31

Monroe,	1839	-	-	610,540 00	1231 08	96 83	1124 25	436 21
do	1840	-	-	585,710 00	1171 42	108 89	1062 53	371 69
do	1841	-	-	594,390 00	1783 17	304 97	1476 20	409 53
do	1842	-	-	578,700 00	868 05	73 05	795 00	409 61
do	1843	-	-	651,960 00	1303 92	120 71	1183 21	415 39
do	1844	-	-	684,350 00	1378 71	336 40	1012 31	425 77
do	1845	-	-	558,614 00	1175 84	216 59	1459 25	428 42
do	1846	565,629 00	112,421 00	678,050 00	2373 17	88 26	2281 91	429 06
do	1847	-	-	694,200 00	2424 70	136 79	2287 91	415 17
do	1848	-	-	735,771 00	2722 35	123 07	2599 28	452 26
do	1849	614,598 00	126,076 00	710,466 00	4295 84	390 94	3904 99	460 91
Morgan,	1839	-	-	2,981,325 00	5988 65	439 66	5528 99	3149 03
do	1840	-	-	2,539,400 00	5078 65	489 36	4589 41	1464 36
do	1841	-	-	3,377,907 00	101 3 72	808 91	9324 81	1613 50
do	1842	-	-	2,458,460 00	3687 69	412 39	3275 30	1613 79
do	1843	-	-	2,427,100 00	4854 20	330 09	4524 11	1636 46
do	1844	-	-	2,399,310 00	4789 68	247 95	4550 73	1677 36
do	1845	-	-	2,138,080 00	6414 24	320 71	6093 53	1239 69
do	1846	1,654,759 00	498,809 00	2,153,568 00	7537 48	350 06	7183 42	1211 26
do	1847	1,445,681 00	519,317 00	2,164,998 00	8009 38	317 22	7692 16	1276 31
do	1848	1,662,075 00	534,659 00	2,220,734 00	8216 90	339 77	7867 13	1308 51
do	1849	1,861,440 00	702,419 00	2,563,859 00	14 870 38	540 67	15,321 71	1333 51
Moultrie,	1843	-	-	261,280 00	522 56	30 60	491 96	215 42
do	1844	-	-	280,385 00	560 77	61 37	499 40	220 80
do	1845	-	-	303,067 00	909 20	85 60	823 60	196 62
do	1846	-	-	295,041 00	1032 64	54 05	978 59	196 90
do	1847	212,466 00	92,359 00	304,825 00	1127 82	70 05	1057 77	202 48
do	1848	275,130 00	94,806 00	369,936 00	1388 76	263 37	1105 39	207 55
do	1849	186,150 00	109,595 00	295,745 00	1715 29	87 03	1628 26	211 52
Mason,	1841	-	-	95,507 00	286 52	84 49	202 03	209 28
do	1842	-	-	215,820 00	323 73	38 28	285 45	214 51
do	1843	-	-	217,810 00	495 61	42 63	452 99	236 83
do	1844	-	-	281,770 00	563 54	29 78	533 76	237 19
do	1845	-	-	327,910 00	983 73	46 04	937 69	231 56
do	1846	255,687 63	102,375 00	358,062 84	1253 21	69 11	1184 10	280 01
do	1847	288,991 50	111,462 00	400,453 50	1481 65	110 56	1371 09	254 79
do	1848	328,258 63	142,068 00	470,326 63	1740 20	103 93	1636 27	
do	1849	498,549 48	192,155 00	690,704 48	4006 08	168 13	3837 95	
Ogle,	1839	-	-	336,170 00	672 34	374 52	297 82	
do	1840	-	-	175,555 00	361 11	52 21	298 90	283 61

County.	Year.	Real estate.	Personal prop- erty.	Total value property.	Revenue and special state tax.	Abate- ments, commissions, &c.	Net amount of state tax.	Balance due, ex- clusive of in- terest or cost.	Interest on school, &c. fund.
Ogle—continued,	1841	-	-	\$ 167,347 00	\$ 502 04	\$ 57 18	\$ 444 86	-	\$312 49.
	1842	-	-	161,067 00	241 60	31 72	209 88	-	312 55
	1843	-	-	158,025 00	316 05	33 26	282 79	-	316 95
	1844	-	-	222,015 00	444 03	71 30	372 73	-	321 87
	1845	-	-	283,330 00	819 99	77 12	742 87	-	418 68
	1846	\$ 39,515 00	\$292,984 00	342,499 00	1163 74	100 10	1063 64	-	419 28
	1847	418,226 24	317,693 00	735,919 24	2732 59	1189 93	1532 96	-	451 62
	1848	474,923 81	317,122 05	792,045 86	2930 56	179 56	2751 00	-	441 95
	1849	599,681 36	371,519 00	971,200 36	5633 12	274 97	5358 15	\$4635 41	450 40
	1843	-	-	149,525 00	209 05	53 81	245 24	89 05	183 56
Pulaski,	1844	-	-	178,480 00	336 96	51 40	305 56	-	188 14
	1845	-	-	264,281 00	792 85	147 06	615 79	-	139 67
	1846	203,100 00	77,452 00	280,552 00	581 93	151 15	827 78	-	139 90
	1847	205,832 00	62,142 00	567,974 00	932 03	106 84	825 19	94 03	143 88
	1848	234,084 00	66,263 00	300,347 00	1177 54	133 76	1043 78	-	147 46
	1849	176,264 00	65,286 00	241,550 00	1376 84	147 16	1229 68	25 00	150 27
	1839	-	-	1,426,745 00	2853 49	177 00	2676 49	-	476 09
	1840	-	-	1,412,850 00	2825 70	173 69	2652 01	-	592 20
	1841	-	-	1,600,480 00	4801 44	290 40	4811 04	-	652 34
	1842	-	-	1,810,754 00	2716 13	174 95	2541 18	107 00	652 57
Peoria,	1843	-	-	1,415,740 00	2831 56	154 51	2677 05	-	661 80
	1844	-	-	2,039,120 00	4078 24	162 84	3915 40	-	678 34
	1845	-	-	2,102,874 00	6308 62	249 86	6058 76	829 08	761 80
	1846	1,935,338 00	318,660 00	2,354,018 00	7889 06	339 62	7549 44	-	762 89
	1847	1,903,623 00	491,508 00	2,485,131 00	8697 96	466 42	8231 54	-	785 52
	1848	1,972,632 00	573,060 00	2,545,692 00	9924 19	764 51	9163 68	-	801 15
	1849	2,087,809 00	661,445 00	2,749,254 00	15,945 67	601 45	15,344 22	7072 42	819 52
	1839	-	-	276,610 00	553 22	67 81	485 41	-	372 55
	1840	-	-	296,155 00	692 31	48 49	613 82	-	299 30
	1841	-	-	342,700 00	1048 10	89 91	938 19	-	329 78
Perry,	1842	-	-	336,514 00	504 77	47 59	457 18	-	329 89
	1843	-	-	342,200 00	684 40	100 42	583 98	-	331 49

County.	Year.	Real estate.	Personal property.	Total value property.	Revenue and special state tax.	Abate-ments, commissions, &c.	Net amount of state tax.	Balance due, exclusive of interest or cost.	Interest on school, &c. fund.
Piatt—continued,	1842	-	-	\$ 149,127 00	\$223 69	\$19 18	\$201 51	-	\$91 30
do	1843	-	-	156,760 00	373 52	17 72	355 80	-	93 54
do	1844	-	-	190,075 00	380 15	22 27	357 88	-	78 48
do	1845	-	-	192,402 00	577 20	65 05	512 15	-	74 51
do	1846	-	-	215,789 00	735 26	85 78	649 48	-	80 46
do	1847	\$ 149,454 00	\$ 66,337 00	225,555 50	827 15	65 45.	761 70	-	82 74
do	1848	150,162 50	71,393 00	234,717 00	868 44	62 57	805 87	-	81 33
do	1849	146,216 00	88,501 00	253,336 00	1353 31	67 72	1285 62	-	895 77
do	1849	153,027 00	80,309 00	253,336 00	1353 31	373 75	2010 19	-	694 31
do	1849	-	-	1,191 9 00	2363 94	448 29	1821 58	-	765 03
do	1849	-	-	1,134 935 00	2269 87	255 05.	2556 73	-	765 18
do	1849	-	-	927 260 00	2811 78	97 46	1042 28	-	775 92
do	1849	-	-	759,827 00	1139 74	127 35	1959 79	-	795 31
do	1849	-	-	1,043 70 00	2087 14	256 54	1948 82	-	644 47
do	1849	-	-	1,112,680 00	2225 36	181 25	3043 60	-	645 39
do	1849	-	-	1,74,950 00	3221 85	181 89	3582 43	-	663 60
do	1849	815,335 00	260,187 00	1,075,522 00	3764 32	210 56	3584 13	-	680 30
do	1847	774,403 00	251,195 00	1,025,598 00	3794 69	211 66	3950 80	-	693 30
do	1848	844,911 00	280,052 00	1,124,963 00	4162 46	342 95	5925 87	-	88 52
do	1849	791,537 00	289,235 00	1,080,832 00	6268 82	-	464 03	-	197 66
do	1839	-	-	158,473 00	633 89	169 86	1286 34	-	217 78
do	1840	-	-	459 327 00	1377 98	91 64	781 96	-	217 84
do	1841	-	-	555,174 00	832 76	50 80	1037 83	-	226 42
do	1842	-	-	554,925 00	1109 85	72 02	1094 38	-	361 48
do	1843	-	-	584,285 00	1168 57	74 19	2759 10	-	342 01
do	1844	-	-	587,257 00	2961 77	202 67	3198 27	-	351 39
do	1845	-	-	938,734 00	3285 57	211 29	3617 33	-	388 88
do	1846	773,854 00	160,880 00	938,734 00	3285 57	197 74	3198 27	-	390 88
do	1847	744,621 00	175,669 00	970,290 00	3396 01	-	-	-	-
do	1848	709,976 00	175,735 00	885,711 00	3471 26	414 83	6617 33	-	-
do	1849	950,479 00	267,136 00	1,217,615 00	7062 16	31 65	187 80	-	-
do	1842	-	-	148 367 00	222 55	83 93	274 15	-	-
do	1843	-	-	154,040 00	808 08	-	-	-	-

Richardson—continued,	1844	-	-	191,550 00	383 0	32 34	390 96	9-8 15
do	1845	-	-	313,173 00	939 52	59 90	879 62	501 93
do	1846	-	-	253,669 00	1237 84	67 81	1170 03	505 39
do	1847	-	-	306,794 00	11-5 4	74 6	1060 98	511 01
do	1848	256,669 00	97,000 00	365,8-9 00	1353 68	8 86	1-71 8-	321 90
do	1849	2 5,2 7 00	91,577 00	308,845 00	1711 30	132 01	1659 5	328 05
do	1849	260,971 00	104,898 00	308,845 00	1711 30	132 01	1659 5	328 05
do	1849	189,002 00	119,843 00	293,736 00	1028 07	118 82	901 23	372 61
do	1847	217,294 00	76,442 00	293,736 00	1028 07	118 82	901 23	372 61
Saline,	1848	245,801 53	90,587 00	336,380 53	1244 61	151 98	1082 63	581 91
do	1849	156,661 00	120,566 00	2-7 230 00	1580 21	101 68	1175 53	383 22
do	1849	-	-	2,506,110 00	7012 22	461 19	6560 91	1729 72
Sangamon,	1839	-	-	3,163,620 00	6327 24	1025 77	5 01 47	1336 96
do	1840	-	-	3,618,564 00	10,855 61	806 77	10,0-8 92	1473 13
do	1841	-	-	3,716,414 00	5649 62	473 41	51-6 21	1173 33
do	1842	-	-	4,287,130 00	6574 26	297 67	6276 69	1491 03
do	1843	-	-	3,0-9 5020 00	6130 04	227 78	5902 26	1321 44
do	1844	-	-	3,0-9 5020 00	6130 04	227 78	5902 26	1321 44
do	1845	-	-	3,135,569 00	11,184 49	433 58	10,750 91	1315 05
do	1846	2,401,890 00	790,679 00	3,211,882 00	11,957 9-	472 70	11,85 26	1383 76
do	1847	2,410,327 00	821,955 00	3,232,282 00	12,390 19	444 40	11,915 79	1418 40
do	1818	2,458,375 00	890,129 00	3,348,702 00	12,390 19	444 40	11,915 79	1418 40
do	1819	2,583,646 00	1,048,270 00	3,631,916 00	21,065 11	913 15	20,151 96	1445 49
do	1839	-	-	800,875 00	1721 75	472 09	1219 66	-
Scott,	1840	-	-	686,275 00	1372 5-	155 83	1315 66	565 51
do	1841	-	-	647,270 00	1911 81	141 97	1719 81	623 15
do	1842	-	-	711,334 00	1067 00	83 13	983 87	623 27
do	1843	-	-	815,900 00	1631 80	251 64	1377 46	632 02
do	1841	-	-	719,445 00	1438 59	65 26	1373 61	647 82
do	1845	-	-	732,104 00	5196 31	136 53	2069 78	507 30
do	1846	526,445 00	223,616 00	750,061 00	2625 21	110 79	2514 42	505 02
do	1847	527,843 00	216,751 00	744,594 00	2555 00	97 03	2657 97	5-0 31
do	1848	543,228 00	242,056 00	785 281 00	29-5 55	103 44	2797 11	513 18
do	1-49	591,214 00	297,060 00	888,274 00	5151 99	205 55	4916 44	513 58
do	1839	-	-	1,150,455 00	2300 91	500 27	20-0 64	1033 94
Schnyder,	1840	-	-	940,755 00	1881 61	136 71	1761 80	664 74
do	1841	-	-	1,104,090 00	3312 2	265 11	5046 16	732 45
do	1842	-	-	1,113,214 00	1669 82	111 00	1 53 82	732 60
do	1843	-	-	1,040,790 00	2091 58	113 51	1968 07	742 88
do	1814	-	-	1,089,540 00	2179 00	93 50	2086 70	761 45
do	1845	-	-	1,034,647 00	3103 94	126 68	2977 26	683 58
do	1845	-	-	1,201,5 6 00	4 05 48	217 06	3984 42	684 26
do	1847	910,0 0 00	265 090 00	1,175,100 00	4352 17	185 58	4165 59	703 65

County.	Year.	Real estate.	Personal prop- erty.	Total value property.	Revenue and special state tax.	Abate-ments, com-mis-sions, &c.	Net amount of state tax.	Bal-ance due, ex- clusive of in- terest or cost.	Interest on school, &c. fund.
Schnaylor—contin'd,	1848	\$947,014 00	\$330,220 00	\$1,777,244 00	\$ 4725 80	\$ 177 51	\$4548 26	—	\$721 26
do	1849	994,762 00	401,800 00	1,396,562 00	8100 06	294 97	7801 09	\$ 790 69	7 5 05
Shelby,	1849	—	—	575,801 00	1151 60	112 53	1039 07	—	841 53
do	1840	—	—	538,870 00	1077 74	79 40	998 34	—	6 6 76
do	1841	—	—	534,110 00	1618 23	200 47	1417 76	10 03	712 60
do	1842	—	—	689,880 00	1031 82	2 7 61	807 18	—	712 75
do	1843	—	—	584,175 00	1316 15	63 51	1252 81	—	651 17
do	1844	—	—	744,725 00	1487 45	74 75	1410 70	—	565 15
do	1845	—	—	847,037 00	2601 09	119 91	2483 10	—	561 83
do	1846	—	—	848,015 00	2108 16	199 92	2708 24	—	562 64
do	1847	610,118 00	205,596 00	815,714 00	3112 30	106 87	2915 43	—	581 20
do	1848	602,211 00	236,870 00	839,081 00	3142 68	192 19	2950 49	—	591 07
do	1849	497,402 00	261,602 00	759,004 00	4331 27	272 04	4159 23	2561 86	604 41
Stark,	1849	—	—	352,115 00	701 83	67 78	634 05	—	—
do	1840	—	—	269,815 00	579 63	45 82	493 81	—	141 88
do	1841	—	—	460,310 00	1824 46	66 94	1315 52	—	156 33
do	1842	—	—	556,010 00	84 06	56 42	777 64	—	156 16
do	1843	—	—	534,550 00	1017 10	46 26	1040 84	—	158 67
do	1844	—	—	517,305 00	1045 19	45 57	949 62	—	162 48
do	1845	—	—	514,137 00	1648 41	76 27	1622 14	—	192 27
do	1846	501,011 00	87,751 00	588,762 00	2071 21	101 97	1969 24	—	192 53
do	1847	510,103 00	75,728 00	585,831 00	2120 40	9 12	2021 28	—	197 98
do	1848	519,000 00	103,650 00	622,650 00	2140 48	107 43	2247 91	—	202 91
do	1849	361,356 00	115,351 00	476,707 00	1880 91	131 84	2749 07	—	206 82
St. Clair,	1839	—	—	2405,050 00	510 10	585 61	4824 46	—	1122 31
do	1840	—	—	257,125 00	5271 15	58 84	4915 41	—	1077 58
do	1841	—	—	2281,010 00	1845 82	470 51	675 31	—	1187 33
do	1842	—	—	2110,127 00	3208 19	411 99	2866 70	—	1187 51
do	1843	—	—	2012,610 00	4015 28	195 35	1809 93	—	1201 23
do	1844	—	—	1857,420 00	3715 24	445 33	1269 91	—	1231 33
do	1845	—	—	1,878,474 00	6945 42	394 47	5595 95	9 08	1223 59
do	1846	1,722,011 00	467,814 00	2,189,825 00	7664 62	406 35	7268 17	172 49	1225 15

1847	1,811,132 00	411,240 00	2,256,172 00	9475 92	306 52	9169 40	961 50	1259 55
1848	1,862,878 00	373,365 00	2,232,243 00	8474 10	269 84	8004 26	573 02	1291 43
1849	-	-	2,3 0,529 00	13 459 06	421 60	13 031 46	12,609 41	1316 10
1839	-	-	105 650 00	211 30	31 08	180 22	-	-
1840	-	-	125,485 00	2 0 97	25 09	225 88	-	239 73
1841	-	-	155 593 00	466 78	52 93	413 85	-	264 03
1842	-	-	136,434 00	204 65	20 46	184 19	130 47	264 08
1843	-	-	147,440 00	294 88	-	2 1 88	294 88	267 90
1844	-	-	150,565 00	301 13	45 26	255 87	-	274 59
1845	-	-	198,203 00	594 61	57 73	586 88	-	417 09
1846	7,018 00	243,000 00	250,018 00	875 06	93 16	782 00	-	457 76
1847	57,814 00	263,986 00	321,830 00	1190 77	95 63	1095 14	-	470 74
1818	277,132 00	288,555 00	565,687 00	2093 57	106 69	986 88	-	482 51
1819	485,447 00	355,238 00	837,685 00	4838 57	430 70	4418 87	-	918 74
1820	-	-	1,017,280 00	2034 56	521 41	1513 12	-	918 01
1840	-	-	1,182,715 00	2365 43	430 45	1934 98	-	738 01
1841	-	-	1,691,130 00	4383 39	819 09	3534 30	-	835 22
1842	-	-	1,500,714 00	2231 07	166 47	2084 60	-	835 37
1843	-	-	1,550,080 00	3100 16	360 57	2739 59	-	703 22
1844	-	-	1,689,000 00	3378 00	225 67	3152 33	-	720 80
1845	-	-	1,636,400 00	4309 38	339 84	4569 54	-	563 25
1846	1,366,747 00	356,940 00	1,723,687 00	6032 90	178 30	5 94 50	-	564 06
1847	1,269,610 00	364,210 00	1,633,850 00	6045 23	376 19	589 04	-	586 10
1848	1,328,428 00	461,545 00	1,789,973 00	6622 89	363 25	6219 54	-	1040 06
1849	1,338,567 00	504,740 00	1,843,707 00	10,493 49	5 6 09	10,186 80	1513 60	724 41
1839	-	-	433,155 00	866 31	82 74	783 57	-	720 48
1840	-	-	482,835 00	965 65	123 14	842 51	-	500 31
1841	-	-	457,364 00	1572 09	161 34	1210 75	-	551 27
1842	-	-	475,367 00	713 05	17 61	6 5 44	-	551 38
1843	-	-	469,485 00	938 99	60 52	878 47	-	559 12
1844	-	-	457,130 00	914 26	88 82	825 44	-	573 09
1845	-	-	470,740 00	1439 22	109 19	1330 63	-	485 00
1846	314 609 00	174,375 00	489,987 00	1714 95	96 89	1618 06	-	483 69
1847	322,029 00	189,647 00	512,276 00	1895 42	110 54	1784 88	-	489 46
1848	542,787 00	210,145 00	552,932 00	2045 84	133 35	1912 49	-	511 95
1819	320,934 00	217,666 00	538,600 00	3123 87	16 40	2958 47	-	521 74
1839	-	-	1,608,930 00	3217 86	289 95	2927 91	-	1358 31
1840	-	-	1,520 005 00	3040 01	253 26	27 6 75	-	848 38
1841	-	-	1,566,774 00	4700 32	617 76	4082 56	-	934 81
1842	-	-	1,442,507 00	2163 76	156 28	2007 48	-	934 99

County.	Year.	Real estate.	Personal prop- erty.	Total value property.	Revenue and special state tax.	Abatements, commissions, &c.	Net amount of state tax.	Balanced due, ex- clusive of in- terest or cost.	Interest on school, &c. fund.
Vermilion—cont'd,	1843	-	-	\$1,551,140 00	\$ 3102 28	\$ 146 80	\$ 2-45 48	-	\$ 948 40
do	1844	-	-	1,611,425 00	3230 85	184 55	3046 30	-	971 80
do	1845	-	-	1,678,150 00	5034 45	299 45	4736 00	-	756 09
do	1846	\$ 1,228,850 00	\$ 480,920 00	1,709,770 00	5954 09	206 66	5777 43	-	777 25
do	1847	1,259,729 00	539,181 00	1,798,910 00	6 96 17	367 89	5928 28	-	811 86
do	1848	1,256,295 00	927,171 00	2,183,466 00	7641 81	1673 59	5968 22	-	840 37
do	1849	1,494,854 00	650,652 00	2,145,506 00	12,444 10	571 31	11 873 79	\$ 4201 79	856 43
Wabash,	1839	-	-	703,164 00	1,066 32	108 15	1298 17	-	508 86
do	1840	-	-	595,320 00	1190 64	105 77	1084 87	-	384 79
do	1841	-	-	577,510 00	1732 53	121 47	1611 06	-	423 99
do	1842	-	-	575,554 00	863 33	75 22	783 11	-	424 06
do	1843	-	-	553,430 00	1106 90	53 23	1033 67	-	430 03
do	1844	-	-	541,145 00	1092 89	65 89	1027 00	-	440 78
do	1845	-	-	546,317 00	1638 95	122 19	1516 76	-	333 09
do	1846	441,780 00	118,078 00	563,858 00	1973 50	132 56	1840 94	-	333 56
do	1847	448,914 00	121,083 00	569,997 00	2108 98	113 27	1995 71	-	341 03
do	1848	451,716 00	144,641 00	596,357 00	2095 52	103 33	1932 19	-	351 61
do	1849	418,838 00	125,898 00	545,736 00	3165 36	136 83	3028 43	-	358 33
Warren,	1839	-	-	1,689,870 00	3879 74	162 67	3217 07	-	445 97
do	1840	-	-	1,690,290 00	3380 58	244 91	3135 67	-	609 73
do	1841	-	-	1,439,890 00	4319 67	390 51	3920 14	-	671 82
do	1842	-	-	1,339,187 00	2008 78	131 64	1874 14	-	611 95
do	1843	-	-	1,274,145 00	2548 29	118 58	2429 71	-	426 76
do	1844	-	-	1,357,270 00	2514 54	119 27	2315 27	-	437 42
do	1845	-	-	1,317,437 00	3352 31	172 25	3180 06	-	461 67
do	1846	1,094,315 19	277,835 00	1,372,150 19	4802 62	212 42	4510 10	972 42	463 34
do	1847	1,067,502 57	270,051 00	1,337,556 57	4918 97	196 30	4752 67	-	478 55
do	1848	1,121,997 46	310,882 00	1,432,879 46	5312 04	214 04	5048 00	-	490 52
do	1849	831,395 20	373,018 00	1,204,413 20	6885 58	248 64	6696 94	-	499 90
Washington,	1839	-	-	348,240 00	776 48	78 80	607 68	-	518 08
do	1840	-	-	378,415 00	756 83	65 10	691 78	-	417 73
do	1841	-	-	390,827 00	1190 48	95 42	1105 04	-	493 34

Comparative Statement—Continued.

County.	Year.	Real estate.	Personal prop- erty.	Total value property.	Revenue and special state tax.	Abate- ments, com- mis- sions, &c.	Net amount of state tax.	Balance due, ex- clusive of in- terest or cost.	Interest on school, &c. fund.
Whiteside—cont'd. Wil,	1819	\$325,758 00	\$199,734 00	\$525,592 00	\$ 3048 01	\$ 201 21	\$ 3846 80	\$ 463 84	\$ 2x3 96
	1839	-	-	539,330 00	1118 66	125 67	992 79	-	510 52
	1840	-	-	662,530 00	1325 10	227 26	1097 84	19 42	562 31
	1841	-	-	1,099,430 00	3295 29	216 36	3031 93	-	562 60
	1842	-	-	1,109,107 00	1713 06	175 49	1578 17	-	1735 22
	1843	-	-	1,260,510 00	2621 02	146 43	2374 59	-	1225 79
	1844	-	-	1,547,170 00	3694 34	186 76	2907 58	-	684 44
	1845	-	-	1,908,080 00	5914 24	449 58	5 54 66	-	685 41
	1846	1,608,317 00	439,403 00	2,047,720 00	7107 02	485 90	6081 12	-	701 85
	1847	1,521,639 00	426,149 00	1,947,808 00	7200 85	592 49	6614 40	-	722 48
	1848	1,578,155 00	408,222 00	1,786,377 00	6609 59	325 11	6281 48	-	736 30
	1849	1,273,490 00	414,924 00	1,688,414 00	9792 80	326 25	9466 55	1303 89	468 34
	1839	-	-	164,055 00	329 11	49 97	278 14	-	421 87
	1840	-	-	276,294 00	528 88	54 63	474 25	-	464 29
	1841	-	-	199,167 00	298 75	90 31	208 44	-	761 37
	1842	-	-	210,170 00	420 34	77 36	342 98	69 98	470 91
	1843	-	-	199,530 00	399 06	72 60	326 46	-	482 68
	1844	-	-	253,704 90	761 11	99 65	661 46	-	471 23
	1845	110,011 00	126,143 00	236,154 00	826 58	61 53	765 05	-	471 91
Winnebago,	1846	-	-	155,882 00	535 58	76 57	469 01	-	485 29
	1847	112,979 06	135,447 06	258,426 12	956 17	111 86	844 31	8 82	497 43
	1848	124,583 00	191,576 00	316,169 00	1833 73	189 75	1643 98	38 08	506 95
	1839	-	-	155,490 00	310 98	34 28	276 70	-	354 47
	1840	-	-	222,630 00	445 26	51 01	394 25	-	390 48
	1841	-	-	181,153 00	543 46	59 43	484 03	-	390 53
	1842	-	-	206,527 00	306 29	83 25	272 04	-	396 14
	1843	-	-	220,155 00	410 31	53 59	386 32	-	406 04
	1844	-	-	302,500 00	605 00	66 51	538 49	-	540 50
	1845	-	-	655,304 00	1966 51	148 47	1818 04	-	541 27
do	1846	481,715 00	363,786 00	845,501 00	2869 25	167 20	2790 05	-	566 63
	1847	531,497 00	372,733 00	903,950 00	3341 61	234 75	3109 86	-	

do	-	1848	682,273 00	315,618 00	1,077,861 00	3956 31	114 96	3771 43	-	570 55
do	-	1849	1,088,715 00	475,902 00	1,564,617 00	9074 81	390 96	8683 85	-	581 46
Woodford,	-	1841	-	-	2 5,300 00	886 20	69 71	816 45	-	-
do	-	1842	-	-	388,591 00	582 89	67 84	515 05	-	-
do	-	1843	-	-	435,110 00	871 22	41 11	830 11	-	266 22
do	-	1844	-	-	564,700 00	1121 40	54 28	1076 12	-	272 87
do	-	1845	-	-	586,903 00	1760 71	77 26	183 45	-	251 83
do	-	1846	481,631 80	116,285 00	600,916 80	2108 40	96 55	2011 85	-	252 24
do	-	1847	490,927 57	121,449 00	612,426 57	225 84	105 30	2151 94	-	259 31
do	-	1848	530,637 47	136,591 00	667,231 47	2473 01	105 96	2367 13	-	295 88
do	-	1849	570, 34 15	173,6 0 00	744,294 15	4318 94	173 07	4145 87	-	270 96

RECAPITULATION.

Year.	Total value of property.	Rate of State tax.	State tax.	Abatements, Commissions, &c.	Net amount of state tax.	Balance due.	Interest on school, college and seminary fund.
1831	\$ 58,549,525 00	2 mills.	\$ 117,770 05	\$ 11,488 92	\$ 106,281 03	\$ 1830 01	\$ 41,326 60
1840	58,752,168 00	2 "	117,821 28	12,404 67	105,416 61	2094 56	42,159 41
1841	70,106,053 00	3 "	210,478 10	21,093 58	189,404 52	217 64	46,451 70
1842	72,605,424 00	1 1/2 "	108, 08 08	10,311 94	98,546 14	1291 81	46,460 41
1843	72,410,840 00	2 "	144,833 00	10,071 05	134,754 55	1125 67	47,278 45
1844	75,747,765 00	2 "	151,495 53	10,577 70	140,917 83	1318 12	48,937 54
1845	82,327,105 00	3 "	216,981 22	17,361 14	229,347 08	4278 14	49,229 57
1846	88,813,433 43	3 1/2 "	311 118 00	21,042 92	210,075 08	5246 18	49,495 01
1847	92,217,493 96	3 7/8 "	311,779 53	24,048 87	314,830 66	8913 36	50,798 58
1848	102,124,493 97	3 7/8 "	371,232 01	23,701 08	355,522 93	5234 01	52,515 08
1849	105,132,752 13	5.8 "	612,428 11	33,664 38	578,763 81	77,861 42	53,183 00
Total,	\$ 879,111,83 43		\$ 2,710,874 59	\$ 116,731 35	\$ 2,544,135 24	\$ 110,100 00	\$ 520,835 43
Total amount of interest on school, college and seminary fund, paid Deaf and Dumb Asylum, for 1839 to 1849, inclusive,							23,262 44
Total amount of interest paid on school, college and seminary fund, for 1831 to 1849, inclusive,							\$ 504,097 87

The balances as shown in the foregoing table, will, in many cases, be reduced, and some of the accounts will, doubtless, be found to be fully paid when the proper vouchers of abatements are furnished by the collectors.

The balances due from the collectors of Champaign and Warren counties, as set forth, appear to have been omitted in settling the accounts, and will, no doubt, if found correct, be promptly paid by the collectors for the years for which they appear to be due.

In Gallatin county, the notes, &c., of the Bank of Shawneetown, were assessed in 1846, for 1845 and 1846, and they were also assessed in 1847. For the amount of taxes charged on said assessment, the collector claims credit; he not having been able to collect them, as appears from the report of his settlement with the county court. Being of the opinion that the county court had not the power to allow him credit therefor, I have not made the allowance on the books of my office, and would suggest that the collector be released by law from the payment of the amount of said taxes; or that some provision be made, which will enable him to collect them.

Prior to the year 1846, the value of real estate and personal property, with a very few exceptions, was not reported separately to this office from the counties, and even the aggregate value of the real and personal property assessed, was not reported, prior to that time, from many of the counties. In those cases, the value, as set forth in the foregoing table, has been estimated from the amount of taxes charged to the collectors.

The amount of interest on the school fund paid Tazewell county, for 1848, and Will county, for 1844, includes amount due for back years.

